

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 30/10/2018</b>	<b>Item No: 5.2</b>
<b>Report Originator</b>	<b>Alan Chapman Development Officer</b>	<b>Application No: KET/2018/0523</b>
<b>Wards Affected</b>	<b>Brambleside</b>	
<b>Location</b>	<b>The Beeswing, 226 Rockingham Road, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Install 2 no. bi-fold doors, replacement windows, 2 no. fire escape doors to front elevation. Erection of 2 no. raised decking areas and gates to South side. Install double doors and single door to rear with fencing to service yard</b>	
<b>Applicant</b>	<b>Everards Of Leicestershire</b>	

### 1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### 2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. Prior to the first use of the development hereby permitted, the car parking areas shall be laid out in accordance with the approved details shown on Plan Number: 7695-00 Rev C received on 4th October 2018 by the Local Planning Authority and shall be retained thereafter and kept available for such purposes.

REASON: In the interests of highway safety in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

3. The materials to be used in the construction of all external surfaces of the development hereby permitted shall be as shown on approved Plan Number: 7695-04 Rev D received on 17th September 2018 by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

4. The outdoor area located between the Beeswing building's rear (eastern) elevation and the boundary wall shared with Nos. 5, 7, 9 and 11 Pennine Way shall not be used at any time for any amenity space for customers of the hereby approved development.

REASON: In the interests of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0523**

This application is reported for Committee decision because there are unresolved, material objections to the proposal and is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

### **3.0 Information**

#### **Relevant Planning History**

AOC/0172/1501, APPROVED, 12-05-15, Condition 4 (Materials) of KET/2015/0172

KET/1991/0107, APPROVED, 08-03-91, 2 NAME SIGNS/2 TRADE MARK SIGNS/1 AMENITY BOARD/9 DOWN LIGHTS UNDER EAVES

KET/1999/0566, APPROVED, 30-09-99, Proposed alterations to premises for porch to public house

KET/2005/0033, APPROVED, 20-05-05, Single storey extension to rear for kitchen and alterations to front including new porch

KET/2007/0285, REFUSED, 05-06-07, Erection of 5m wide x 6m projection patiola to the front of the building

KET/2007/0940, APPROVED, 27-11-07, Erection of timber smoking shelter

KET/2013/0716, APPROVED, 09-04-14, Formation of new pedestrian access in boundary wall to frontage. Replacements windows and doors

KET/2015/0172, APPROVED, 22-04-15, Cladding and render to front and side elevations and provision of external lighting

KET/2015/0189, APPROVED, 21-05-15, 7 no. non-illuminated fascia signs. 1 no. static illuminated hanging post sign. 2 no. static non-illuminated poster cases. 2 no. non-illuminated poster cases on posts

#### **Site Visit**

Officer's site inspection was carried out on 05/09/2018

#### **Site Description**

The development site is known as the Beeswing public house and has been in operation as a public house since at least the 1990s. It is a large two storey property set within its own grounds with parking areas to the north and south. To the front of the property is an area of landscaped outdoor seating. The Beeswing is located immediately north of and accessed from Cotswold Avenue, and is in between Rockingham Road and Pennine Way. It lies approximately 320m north of the former Kettering Town Football Club stadium. It is set within an established residential area and due west of the site on the west side of Rockingham Road is an area of open space.

## **Proposed Development**

Planning permission is being sought for various refurbishment improvements to the public house. As originally submitted, the proposal included an outdoor smoking shelter, external freezer/refrigeration units and a covered outdoor dining area to the rear. In response to local objections these elements have been removed from the proposal. A revised car parking layout was also submitted to address other local objections and concerns raised by the Local Highway Authority.

The amended proposal for which permission is being sought is:

- Re-landscaped and terraced outdoor area to the front (Rockingham Road side)
- Raised terracing to the south-west corner of the building – resulting in the loss of 3 car parking spaces
- Addition of 4 new car parking spaces in the northern car park
- Re-sizing/locating car parking spaces
- (NB: A net gain of 1 car parking space across the development)
- Removal of the un-safe play equipment and replacement with a lawned area to the north-west of the building
- A new fire escape at ground floor level to the rear
- Replace fenestration at ground floor level to front elevation with sets of bi-folding double glazed doors
- Re-painting of render
- Existing timber cladding stripped and re-treated
- External lighting to remain as installed

## **Any Constraints Affecting the Site**

A Road

Nene Valley NIA Boundary

## **4.0 Consultation and Customer Impact**

### **Highway Authority**

Original response:

- Cannot support application without further information concerning net loss of parking spaces, plan showing parking layout details and public gross floor area (gfa)

Later response – no objection subject to following observations and conditions:

### Observations

On submitted plan, 7695-00 rev C (car parking), there are two anomalies;

- Access to garage not detailed - none available with proposed layout, garage sub-standard dimensions.
- No servicing bay or turning for Dray HGVs etc. has been detailed.

### Conditions

- The site plan is adequate bar dray access on which the LPA should satisfy itself.
- Prior to first use or occupation, the proposed vehicular access, parking and turning facilities shall not be provided other than in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.
- The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.

### **Northamptonshire Police**

- External doors should comply with the Loss Prevention Certification Board (LPCB) security standard LPS1175 SR 2 or 3 and doors manufactured in accordance with the standard must be installed.
- All ground floor glazing should be provided with security grade glazing of P2A standard as minimum requirement.
- All ground floor and easily accessible windows will have multi point locking.
- CCTV is mentioned however the camera system should be capable of being enhanced during the hours of darkness with infra-red lighting or similar. Images should be stored for a minimum of 31 days and be in-line with the Home Office CCTV operational requirements manual.
- The building should have an intruder alarm system installed in compliance with CPI Security Alarm Policy. This ensures that the technical aspects of the alarm specification will result in a police response to a confirmed activation on site. I would also suggest an internal alarm that can be zoned. This will allow areas that are not being used to be shut down and protected (staff areas while unoccupied), while allowing other areas to be used.

### **Environmental Protection**

Have no comments to make.

### **Environmental Care**

No response received.

### **Neighbours**

Objections received from 3, 5, 7, 9, 11 Pennine Way; 6 Tilbury Road - reasons:

- Outdoor smoking
- Noise
- Privacy
- Drink driving
- Nuisance from customers using outdoor rear space
- Reduction in car parking spaces – increased traffic congestion
- Drunk noises
- Anti-social behaviour
- De-valuation in property prices

- Noise from new outdoor fridge/freezer units
- Licencing hours
- Music licence

## 5.0 **Planning Policy**

### **National Planning Policy Framework (2018)**

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 6: Building a strong and competitive economy

Policy 8: Promoting healthy and safe communities

Policy 9: Promoting sustainable transport

Policy 11: Making effective use of land

Policy 12: Achieving well-designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1: Presumption in Favour of Sustainable Development

Policy 6: Development on Brownfield Land

Policy 7: Community Services and Facilities

Policy 8: North Northamptonshire Place Shaping Principles

Policy 9: Sustainable Buildings

Policy 11: The Network of Urban and Rural Areas

Policy 22: Delivering Economic Prosperity

#### **Saved Policies in the Local Plan for Kettering Borough**

33 Environment: Advertisements, Signs and Shop Fronts

## 6.0 **Financial/Resource Implications**

None

## 7.0 **Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Character and Design
3. Crime Prevention
4. Residential Amenity
5. Highways, Access and Parking
6. Other

### **1. Principle of Development**

The proposal concerns various improvement works to an existing public house such that the property will continue to trade and operate as a public house, accordingly the principle of development is considered to have been already established as there is no change of use proposed.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 as well as Policy 1 (paragraph 2) of the NPPF require that applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within the designated settlement boundary of Kettering. Development is usually supported in settlement boundaries by Policies 11 and 29 of the Joint Core Spatial Strategy, provided it accords with all other relevant National and Local policies.

Policy 8 (paragraph 92) of the NPPF seeks to deliver social, recreational and cultural facilities and regards public houses as a community facility which can enhance the sustainability of communities and residential environments. Bullet point (a) of paragraph 92 of the NPPF states planning policies and decisions should...

Plan positively for the provision and use of community facilities (such as public houses) to enhance the sustainability of communities and residential environments.

Policy 7 of the JCS states development should support and enhance community facilities and safeguard existing facilities.

It is considered that the proposal safeguards and enhances a community facility and is therefore supported.

## 2. Character and Design

Policy 2 (Paragraph 10) of the NPPF places at the heart of planning a presumption in favour of sustainable development, with good design forming a key element of this. This is further supported by Paragraph 127 of the NPPF. Policy 8 (d) (i) of the North Northamptonshire Joint Core Strategy (JCS) requires new development to respond to the site's immediate and wider context and local character.

The proposal concerns various improvement works to an existing public house. These works entail no public amenity space to the rear and the transformation of the existing outdoor amenity space to the front (Rockingham Road side) into a landscaped and terracing area with outdoor seating, ornamental planting and fencing. The pre-existing children's play equipment is to be removed due to its poor condition. As commented above the works also involve new double glazed fenestration to the front, re-painting of the render and restoration of the external cladding. The external signage (see advertisement consent KET/2015/0189) is to be refreshed with new paint-work; where advertisement consent is required then this would be expected to be dealt with via a separate consent application.

Collectively, the external changes to the existing public house are opined to be an enhancement to the existing appearance of the public house and would give it an appearance of a family orientated community facility that encourages customers to dine rather than a place for solely drinking. It is also noted that the provision of dedicated smoking shelter from the side of the property has been deleted from the proposal in response to the original objection comments received. The external

freezer/fridge units that were proposed to the rear (adjacent to the Pennine Way properties) have also been deleted from the scheme. These units are now to be housed within the existing public house.

It is considered that the character of the area will not materially change as a public house in this location in a residential area is the pre-existing situation and this proposal seeks to retain the status-quo, albeit with a property that is being given a facelift with improved outdoor facilities.

### 3. Crime Prevention

Policy 8 (e) (iv) of the North Northamptonshire Joint Core Strategy (JCS) requires development to seek designs that reduce crime and anti-social behaviour.

Northamptonshire Police requested information concerning security and crime prevention to which the applicant responded:

*“CCTV is to be incorporated into the scheme and will have recording facility; however it has not been needed in the past.*

*A new alarm system.*

*Challenge 25 will be in operation.*

*Responsible drinking policy will be in place.*

*Test purchasers will be in place to train all staff.*

*Extensive staff training will be given to all staff employed at the premises with regards policy procedures and Licensing law to ensure they deal with customers and prevent any incidents that may occur.*

*Full liaison with Northamptonshire Police will take place upon completion of the refurbishment.*

*The operator is also backed up with extensive support from Everards Brewery Plc rather than a Pub Co who tend to leave their tenants on their own – this is very important.*

*In conclusion we feel that the proposals should be supported by the Police. The establishment will be a great pub great food venue rather than a wet lead operation, and will have waitress service; no Sky sports etc. so will attract families.”*

Comments were also raised by objectors that customers of the public house would cause nuisance and anti-social behaviour.

A pragmatic approach should be adopted to this proposal which essentially does not change the situation of a public house set within a residential area. It is accepted that all public houses have the potential for its customers to behave, whilst under the influence, in a manner that may cause nuisance to local residents in the vicinity. It is considered that there is no substantive evidence to conclude that the future



customers of the Beeswing, once re-opened, would behave in a more anti-social manner than the customers that frequented it before it closed for refurbishment. Indeed, one of the objectors openly admitted that they were a regular customer before it closed.

Clearly, the management team of the Beeswing would exercise their patronage rights to selectively bar un-savoury customers from using the Beeswing and to also engage the services of the police where matters may escalate. It is considered unreasonable to refuse this planning application on the anticipation that its customers may frequently cause unacceptable nuisance. It is envisaged that the promotion of the Beeswing as a facility that provides for dining would help to attract customers that would more readily conduct themselves in a sensible manner.

Whilst all types of property could attract the attention of the criminally minded it is reasonably opined that the investors of the facility would be commercially driven to ensure that their investment would be secured as reasonably possible to help prevent unwarranted break-ins or random acts of vandalism. The fact that new lockable doors at ground level, external lighting and permanent accommodation above would help to ensure that the facility is secured as practicably possible from such crimes. The installation of burglar alarms would be of benefit to the proprietors although it is considered that it would be unreasonable to secure this by a planning condition.

Later comments from the Police Crime Prevention Advisor suggested that the measures proposed above by the applicant were largely licencing matters, but went onto suggest physical measures that would be beneficial to helping to reduce the risk of burglaries. It is considered that such measures are appropriate and that an informative note be imposed to advise the applicant to consider implementing them in consultation with the Police Crime Prevention Advisor.

Based upon the applicant's submission and the assessment above, then it is considered that the proposal would accord with JCS Policy 8 (e) (iv).

#### 4. Residential Amenity

Policy 8 (e) (i) of the North Northamptonshire Joint Core Strategy (JCS) states development should ensure a quality of life and safer and healthier communities by:

Protecting amenity by not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area, by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking.

Policy 12 (Paragraph 127) of the NPPF also seeks to secure high quality design and a good standard of amenity for all existing and future occupants.

It is noted that this Council's Environmental Protection officer raised no comments to the proposal or suggested that any restrictive planning conditions be imposed.

Concerns were raised by local residents that the proposal would cause amenity harm by way of passive smoking, noise, visual amenity and privacy. To address the

passive smoking and noise concerns, the applicant revised the proposal to remove the outdoor smoking shelter, restrict all outdoor seating areas to the front and removed the outdoor seating area from between the rear of the Beeswing and the back gardens of Pennine Way, and relocate the fridge/freezer from being outdoors and into the main building. The proposed double doors at ground floor level to the rear of the Beeswing are to be used purely for a means of fire escape rather than public access. Before the public house closed for this refurbishment, customers were free to smoke at the front of the property on the Rockingham Road side and this arrangement will be unchanged.

It is considered that as all customers would be confined to using the outdoor area to the front of the Beeswing (as was the pre-existing situation) then it is opined that the impact upon residential amenities would be materially indifferent from what was and could have been experienced from the Beeswing in its earlier state and had it continued operating without being refurbished.

Concerns over music are not considered as part of this application as the proprietor would need to apply to the Environmental Health department of the Council for playing music as well as selling alcohol and the serving of hot food and drinks. It is opined that any license issued would take into account any known concerns that arose from the facility when it was last in operation.

The proposed improvements to the public house are not considered to adversely impact on residential amenity and is therefore in accordance with Policy 8 of the JCS.

#### 5. Highways, Access and Parking

Policy 8 (b) of the North Northamptonshire Joint Core Strategy (JCS) states developments should make safe and pleasant streets by:

*Ensuring a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with the adopted standards.*

The concerns of the Local Highway Authority (LHA) are noted.

It is accepted that when the pub car park was originally laid out it would not have been to LHA's more stringent modern day standards with regards to the dimensions of spaces, number of spaces to gross floor area and the provision of cycle/motorcycle and disabled parking. However, it should be noted that this proposal is not for a new public house or for an extension to an existing public house. On comparison of the existing and proposed floor plans, the internal floor space set aside for trading remains unchanged.

In trying to accommodate the LHA's current parking standards, the applicant submitted a revised car park plan to increase the size of spaces in the northern car park, the provision of a dedicated disabled bay, two staff bays, two motorcycle bays and a covered cycle park. As a result the total number of parking spaces has increased from 42 to 43.

Taking into consideration that the site is constrained by its physical limitations, it is not a new build, has historically operated as a public house with two car parking areas and the applicant has attempted, as far as practicable, to adjust the car park to meet the LHA's current standards, a compromise has been struck to balance the needs of the facility with anticipated parking demands. A condition is to be imposed to ensure that the submitted car park plan is implemented and maintained.

In response to the latest LHA's comments the Agent responded:

- *The site plan is adequate bar dray access on which the LPA should satisfy itself.*
- *Prior to first use or occupation, the proposed vehicular access, parking and turning facilities shall not be provided other than in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.*
- *The developer shall put in place systems to ensure that all operational vehicles arriving at or leaving the site are appropriately sealed or covered, to prevent any material spillage, wind blow and odour nuisance and be cleansed of debris. Any debris deposited on the adopted highway (maintainable at public expense) during construction is to be removed and the highway cleansed.*

On consideration of the above, it is opined that that there would be sufficient Dray bays/turning on-site as historically the Beeswing has operated in this manner without any known issues.

The layouts for the access, parking and turning facilities are considered to be satisfactory and are to be secured by condition.

The garage is not perceived to be an operational requirement during opening hours and is opined to be a facility for the publican's personal use. Accordingly, it is not considered reasonable to impose conditions requiring this pre-existing structure to be extended and/or for access to it to be controlled.

To address the sheeting of vehicles it is recommended this be an informative note on the decision notice as national planning practice guidance advises not to duplicate legislative requirements covered elsewhere. In this instance it is opined that the Highways Act empowers the LHA to control such matters.

The proposed improvements to the public house are not considered to adversely impact on highway safety in the locality and is therefore in accordance with Policy 8 of the JCS.

## 6. Other

Concerns were raised that the re-opening of the Beeswing would de-value property prices; however, earlier UK Government advice has stated that the negative effect on the value of properties is not a material planning consideration.

Concerns were raised that customers using the car park could unintentionally collide with the retaining wall between the car park and the Pennine Way properties, a situation that has been ever present. Planning cannot reasonably deal with every future possibility and it is considered that the layout of the car park is acceptable given the existing constraints.

### **Conclusion**

Planning permission should be granted subject to the conditions recommended.

#### **Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

#### **Previous Reports/Minutes**

Ref:

Date: