

PLANNING APPLICATIONS COMMITTEE
18th September 2014

Item No: 05

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P1585	24/04/2014
Address/Site Ward	8 Coombe Lane, Raynes Park, London, SW20 8ND Raynes Park	
Proposal:	Change of use of rear yard to a beer garden, including hardstanding and seating area.	
Drawing Nos	PL-01 (Block Plan), PL-02 (Block Plan), PL-03 (Existing rear yard) and PL-04 (Proposed beer garden).	
Contact Officer:	Ganesh Gnanamoorthy (0208 545 3119)	

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION.

Heads of agreement: - N/A
Is a screening opinion required: No
Is an Environmental Statement required: No
Has an Environmental Impact Assessment been submitted – No
Press notice – No
Site notice – Yes
Design Review Panel consulted – No
Number of neighbours consulted – 38
External consultations – No.

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration because of the amount of public interest.

2. **SITE AND SURROUNDINGS**

- 2.1 This application relates to the ground floor premises of this 4 storey (including roof level) building. The ground floor is in occupation as a public house, known as the Edward Rayne. The upper floors are in residential use. To the rear of the site is an access road/car parking area which separates the boundary of the application site from those of the premises on Worple Road.
- 2.2 The application site is part of Raynes Park Local Centre, does not fall within a conservation area and the building is not listed.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the use of the rear yard as a beer garden.
- 3.2 The proposal would involve the provision of new hardstanding and would accommodate 10 tables which could seat up to 34 people. Close boarded timber fencing and gates are proposed.
- 3.3 The applicant has indicated on the application form that they would cease use of the beer garden at 7pm on a daily basis.

4. **RELEVANT PLANNING HISTORY**

- 4.1 01/P0889 – permission granted for permission granted for the erection of a 4 storey (plus basement) building involving the provision of food and drink at basement/ground floor level with basement parking for 8 vehicles and provision of 6x 2 bedroom flats and 6x 1 bedroom flats on first, second and third floors with ancillary amenity area at first floor.
- 4.2 05/P0211 – permission granted for the erection of a 4 storey (plus basement) building involving the provision of food and drink at basement/ground floor level with ground floor level car park for 2 vehicles and provision of 6x 2 bedroom flats and 6x 1 bedroom flats on first, second and third floors with ancillary amenity area at first floor.
- 4.3 10/P3076 – permission refused for the formation of an external customer seating area to the rear of the existing Edward Rayne Public House. Reason for refusal as follows:

“The proposed outdoor customer seating area by reason of its size and location in relation to existing residential property would result in noise and disturbance to the detriment of neighbour amenity and would be contrary to policies S.8 and PE.2 of the Adopted Unitary Development Plan (2003)”.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to the consultation, 16 letters of objection were received. The letters of objection raise the following points:
- Increased noise
 - Loss of staff parking spaces, resulting in added on-street parking stress
 - Increased activity
 - Air pollution from smoke
 - Blocking of access to commercial parking to the rear
 - Security of vehicles parked to the rear
 - Anti-social behavior
 - Users of beer garden leaving premises from the access road to the rear
 - Overlooking
 - Fire hazard
- 5.3 The Council’s Environmental Health Officer has been consulted and has recommended the imposition of conditions relating to hours of operation, access/egress from the beer garden, and enclosure of beer garden and lighting. These will be discussed in more detail in the main body of the report.

6. **POLICY CONTEXT**

6.1 Adopted Core Planning Strategy (July 2011)

CS4 – Raynes Park Local Centre
CS7 – Centres
CS14 – Design
CS20 – Parking, servicing and delivery

6.2 Adopted Sites and Policies Plan (July 2014)

DM R1 (Location and scale of development in Merton's Town Centres and Neighbourhood Parades)
DM R5 (Food and Drink/Leisure and Entertainment Uses)
DM D2 (Design Considerations in all developments)
DM EP2 (Reducing and Mitigating Noise)
DM EP4 (Pollutants)

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations relates to the use of the yard as a beer garden, and the impact on residential amenity.

7.2 **Principle of use**

7.3 It is noted that in most circumstances, the use of a rear yard of a pub would not require planning permission as it would be an ancillary use to the pub use. In this instance, planning permission is required as a condition (number 10) was attached to planning permission number 05/P0211 which states that "...details of cycle/mobility parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The parking facilities as approved shall be installed...and retained thereafter for the users of the development and for no other purpose". This condition was discharged under drawing number 1576/061A which shows parking provided in the area of the yard.

7.4 It is considered that the loss of the cycle/mobility parking spaces would be acceptable in light of the sites PTAL rating of 6 which indicates good access to public transport, and this is borne out by the close proximity to Raynes Park Train Station and several bus routes.

7.5 With the above in mind, the principle of the use of the rear yard as a beer garden is considered acceptable.

7.6 **Neighbouring amenity**

7.7 Policy DM D2 seeks to ensure that all new development protects the amenity of nearby residential development. This includes exposure to sunlight/daylight, privacy, sense of enclosure, noise and other pollutants. It is noted that the previous application for the use of the yard as a beer garden was refused on amenity grounds, in particular noise disturbance.

7.8 Policy DM EP2 and DM EP4 seek to protect residential properties from potential pollutants caused by development.

7.9 With regard to sunlight/daylight, no structures are proposed and as such, there would be no impact in this regard. Nor would a sense of enclosure

be created. It is noted that the Council's Environmental Health Officer has recommended a condition be attached to ensure that the beer garden is enclosed by a solid fence not less than 1.80m in height. This is considered to be relatively low, and would not cause a loss of light or sense of enclosure.

- 7.10 With regard to noise, the Council's Environmental Health Officer has recommended attaching a condition stipulating that the beer garden must cease being used at 7pm on a daily basis. This would ensure that any related noise would cease at a time that would prevent the use from being un-neighbourly. In addition, a recommendation has been made to restrict access/egress to/from the beer garden to through the main pub building, preventing patrons from creating noise down the access way. This would also alleviate concerns regarding the use of the access way by noisy patrons, and potential anti-social behaviour.
- 7.11 The application makes mention of lighting being provided but no details have been provided. A condition is recommended to ensure that no overspill or glare is caused.
- 7.12 In addition to the above, it is noted that the gardens of the properties on Worple Road would be some 10m away from the beer garden, whilst the residential properties above the commercial premises on Coombe Lane do not extend to the depth of the commercial ground floor element. Given the time limitation, the proposal is considered acceptable .

8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 8.1. The proposal is for minor householder development and an Environmental Impact Assessment is not required in this instance.
- 8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. **CONCLUSION**

- 9.1. The proposed use of the rear yard as a beer garden is considered to be acceptable in principle. Given the conditions recommended the proposal would have no undue impact upon neighbouring amenity. The proposal is in accordance with Adopted Unitary Development Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B3 Materials as Specified
4. D1 Hours of Use (1000 – 1900 every day)
5. Access to and from the beer garden shall be from the Public House building only.

Reason: To protect of the amenities of the area and to comply with policy CS13 of the Core Strategy (2011) and DM D2 of the Sites and Policies document (2014).

6. Prior to first occupation, a 1.80m high solid fence shall be erected around the beer garden.

Reason: To protect of the amenities of the area and to comply with policy CS13 of the Core Strategy (2011) and DM D2 of the Sites and Policies document (2014).

7. Any lighting providing shall not cause any overspill or glare to any property in the vicinity.

Reason: To protect of the amenities of the area and to comply with policy CS13 of the Core Strategy (2011) and DM D2 of the Sites and Policies document (2014).