

Recommendation Report for Planning Permission

REF NO: A/112/12/

LOCATION: Lamb Inn
The Square
Angmering Littlehampton

PROPOSAL: Rear decking and fencing to form outside seating area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes an area timber decking with trellis enclosing to provide a larger outside seating area to the rear of the main building. The proposal would be located with the existing public house car park, which is privately owned.
SITE AREA	Approx. 1043sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site slopes upwards from the highway to the rear leading to the car park. Retaining wall to rear of the main building.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to front of site. Various fencing and retaining walls enclosing rear car park.
SITE CHARACTERISTICS	C18 Public House. Two storeys and attic. Two lead box dormers to front elevation. Faced with rough-cast render and timber cladding at first floor level to rear section. Modillion eaves cornice. Mansard slate dual pitched roof. Glazing bars intact. Doorway up four steps with iron handrail having rectangular fanlight and flat hood on brackets. Later L-wing to north west. 7No. timber sliding sash windows to front elevations. To rear are various sized Crittle windows. Single storey additions to rear with flat roof. Car park to the rear of the site.
CHARACTER OF LOCALITY	Angmering Village Square, forming part of the Conservation Area. Mix of predominantly historic buildings within the locality with both commercial and residential uses.

RELEVANT SITE HISTORY

A/142/11/L	Application for Listed Building Consent for alterations and refurbishment of the first floor owners accommodation.	Approve Conditionally 11-11-2011
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A/152/11/L	Application for Listed Building Consent for refurbishment of first floor letting accommodation including addition of ensuite facilities to rooms and improved external fire escape.	Approve Conditionally 23-12-2011
A/166/11/L	Application for L B consent for alterations and refurbishment of ground floor bars.	Approve Conditionally 25-01-2012
A/164/11/	Block up 2 windows, replace fire escape & new kitchen extract.	Approve Conditionally 14-02-2012
A/173/11/L	Application for Listed Building Consent for alteration to colour of windows to front & side elevations, various signage & 2m long flagpole & change colour of front door & rafter feet to Charleston Grey	Approve Conditionally 14-02-2012
A/174/11/	Proposed new flagpole	Approve Conditionally 14-02-2012
A/39/12/DOC	Application for approval of details reserved by condition 4 of previously approved by planning application A/173/11/L	DOC Approved 06-06-2012
A/40/12/DOC	Approval of details approved by condition 5 of previously approved planning application A/152/11/L	DOC Approved 06-06-2012
A/66/12/L	Application for Listed Building Consent for replacement of timber cladding to rear and side elevations at first floor	Approve Conditionally 26-07-2012

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection.

7 Letters of Objection (from 4 address/authors):

- Incremental increase of outside seating over the years, with disturbances in early hours.
- Concerns raised regarding further disturbances.
- Right of way to St Nicholas in Church Road, the proposal may affect access to maintain properties in Church Road.
- Could affect the use of St Nicholas gardens for members of the public as a secluded quiet refuge.
- Increased noise pollution in St Nicholas gardens.
- Will sufficient vehicular access be made to St Nicholas gardens to enable it to be properly maintained.
- Issue regarding access to School House raised for emerging vehicles and impacts from people using the area, access must remain in accordance with Section 31 of The Highways Act (1980).

- Use of area up till 10pm and no smoking proposed, concerns about how this would be enforced.

Comments on Representations received:

Comments noted. Environmental Health have considered the application and are of the view the proposal, subject to restrictions of hours of use will not impact upon neighbouring amenity. The access to St Nicholas gardens, whilst a private issue would be maintained by repositioning the entrance. This does not require permission and falls outside the ownership of the applicant and therefore is to be dealt with between the relevant parties.

CONSULTATIONS

Environment Agency
Conservation Officer
Listed Building Officer
Environmental Health

Consultations responses received:

Historic Buildings Advisor:

No objection on the basis that the fencing is lightweight and permeable and unlikely to detrimentally affect the setting of the listed building.

Environmental Health:

Licence variation will be required subsequent to any planning approval as the current licence does not include this area, considerations will need to be consider how this area will be monitored during periods of use.

The Design and Access Statement suggests the area will not be used after 10pm, recommended that this is confirmed by condition.

Conservation Area Advisory Committee:

No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Grade II Listed Building
Conservation Area
Class A Road
Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN7	The Form of New Development
	GEN32	Noise Pollution
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed

particularly with regard to the impact upon the Listed Building as well as the character and appearance of the Conservation Area.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character of the Conservation Area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The proposed decking is to be sited to the rear of the listed building, extending over a small part of the existing private pub car park. The proposed decking is to accommodate outside seating for patrons of the public house.

The decking and fencing proposed is a light weight timber structure which together with its siting ensures that the setting of the listed building would not be affected nor the wider conservation area. It is considered to be a positive addition to the public house without detriment to the visual amenities of the locality.

With regards to the location of the outside seating, given that it is to be used by patrons of the premises, existing outside seating in place to the rear of the building and the proximity to a public park, the proposal is not considered to impact upon the amenity of nearby residents. With the neighbouring properties in mind, it is appropriate to condition the hours of use of the decking area, restricting its use to between the hours of 0800 and 2200 daily. This will ensure that neighbouring residential amenity is preserved.

The proposal does result in the loss of two parking spaces within the car park, however the public house has recently been provided with two further spaces adjacent to the public house. As such, the loss of parking is acceptable for the public house which is located within the centre of the village.

It is therefore recommended that the application be approved subject to the following conditions;

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing No.s 11045/R.PATIO R1; 11045/21 Decking R1.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 The outside seating area/decking hereby approved shall only be used between the hours of 08.00 - 22.00 daily.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies GEN32 and GEN7 of the Arun District Local Plan.

- 4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, AREA2, GEN32

SOUTH EAST PLAN: BE6

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 5 Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.