

BR/144/07**PLANNING APPLICATION REPORT**

DESCRIPTION/ ADDRESS	- New 2 No. Jumbrella's The Wheatsheaf Public House, 85 Hawthorn Road, Bognor Regis
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for 2 No. jumbrella's, 4m x 4m in size to the front of the existing building facing Hawthorn Road. There would be 4 tables and 16 seats under each Jumbrella. They would be on a raised paved area with a new painted wrought iron rail the perimeter area fixed to a low-level brick wall. (The perimeter fencing does not require planning permission if under 1 metre in height).
SITE AREA	
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Land rises slightly from road to back of site.
TREES	In rear garden.
BOUNDARY TREATMENT	To the front no boundary treatment.
SITE CHARACTERISTICS	Existing 2-storey public house. Dark red multi-stock brick. Mock Tudor at 1 st floor level to front. Plain brown tiles.
CHARACTER OF LOCALITY	Mainly residential. 2-storey houses opposite and to rear. Shops with accommodation above to the southwest.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BR/101/97	External alterations, minor side and rear extensions.	Approve Conditionally 8-10-97

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Bognor Regis Town Council	Objection – on the grounds the jumbrellas will encourage drinkers to sit outside, increasing the noise pollution that is already a matter of growing concern to local residents and adding to the public nuisance aspect. Comment was also made that with the advent of the new No Smoking in Public Places Law will come a litter problem with cigarette butts. Licensed premises and other public building should be required to clean up the mess left by their customers.
Local Groups	None

BR/144/07**REPRESENTATIONS RECEIVED**

SOURCE	SUMMARY OF CONTENT
Other	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environmental Health Section	There is potential for customers to congregate under the jumbrellas in order to smoke, following the implementation of the smoking ban in premises. However, customers could just as easily congregate under temporary structures, that do not require planning permission, or in the open air. Environmental Health will investigate any future complaints of nuisance and consider whether additional controls, under the terms of the Premises Licence issued under the Licensing Act 2003, are appropriate. In these particular circumstances I do have concerns that the sheltered area close to the footpath will be an attraction for passers-by to congregate late at night after the premises has closed. I would therefore suggest a condition requiring the Jumbrellas to be folded down at times when the public house is closed, and, if possible the seating area to be fenced off from the highway to discourage passers-by from using the area when the premises is closed.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Class 'C' Road

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, NE11, NE12, DEV1 Arun District Local Plan : GEN7, GEN32, GEN33
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PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development PPG 24 - Planning and Noise

POLICY COMMENTARY

The above policies combine to give the development control criteria against which applications of this nature will be judged that is the visual and residential amenity of the area.
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COMMENT ON CONSULTATION RESPONSES

BR/144/07**COMMENT ON CONSULTATION RESPONSES**

None

COMMENT ON REPRESENTATIONS RECEIVED

The District Council's Environmental Health Officer has indicated that any noise problems from smokers outside the public house would be dealt with under the licensing legislation.

ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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 there will be no adverse affect on the visual or residential amenities of the 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 jumbrella's to the front of the existing public house will be clearly seen in the street scene. However, it is considered that these will visually brighten up this part of the area. It is not considered that the jumbrella's will have a detrimental effect on the residential amenities of neighbours.

The use of the area by smokers and any resulting problems of noise pollution is a matter for the licensing legislation and not a material planning consideration, as the area could be used by smokers whether the jumbrella's are provided or not.

It is therefore considered that the application should be approved subject to the conditions set out overleaf.

BOGNOR REGIS

BR/144/07/

New 2 no. jumbrella's

The Wheatsheaf Public House
85 Hawthorn Road
Bognor Regis

RECOMMENDATION**Approve Conditions**

- 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 Details of the wrought iron railings shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: In the interests of visual amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The jumbrellas shall be folded down at times the public house is closed.

Reason : In the interests of amenity in accordance with policy GEN32 of the Arun District Local Plan.

- 4 **INFORMATIVE:**

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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

STRUCTURE PLAN: DEV1, LOC1 NE11, NE12
LOCAL PLAN: GEN7, GEN32, GEN33

NATIONAL POLICIES: PPS1

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.