DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: WB/10/1098/FULL – The Lamb Inn Public House Salvington Road

DATE OF SITE VISIT: 26/01/11

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

SITE AND SURROUNDINGS:

The site is on a reasonably busy road junction. A small shopping parade is to the east. A public recreation ground is immediately to the west. The area is residential further westwards.

The application property is an imposing detached two-storey Public House with walls painted cream and brown tiled roof. It is of late Victorian/early Edwardian period. The beer garden is laid out informally with picnic benches.

A smoking shelter and raised timber terrace exists off the back wall of the main building. All this is unauthorised, having not benefited from the prior permission of the local planning authority. A low close boarded fence runs along a tarmac area used for on-site parking.

The immediate neighbour to the south has a single window above ground floor facing the beer garden. This appears not to serve a principal habitable room.

PROPOSAL:

The development sought for has been advertised as retrospective external alterations to building and grounds including new pitched roof on existing flat roof extension, creation of two level terrace for alfresco dining and drinking with timber pergola and associated smoking shelter, ramp for access to lounge in existing garden and improved access to existing private yard.

The proposal consists of:

- Laying of stone paving together with raised decking and steps and ramp. This is to provide two-tier outdoor eating and dining area. Raised decking enclosed by timber picket fence
- Rear pergola to measure (at max) approx; 3.6 metres in height, 13 metres in length, 3.7 metres in depth
- Ground floor door to cold unit into south face of outbuilding
- Ground floor W.C. window into south face of public house building
- Close boarded fence with double timber gates to enclose bin store on north elevation
- New gate to provide access to private yard from beer garden

The works are retrospective.

RELEVANT PLANNING HISTORY:

None

RELEVANT PLANNING POLICIES:

Core Strategy
11, 16

South East Plan
SP3, SP4, CC1, CC6, BE1, BE3, BE6, NRM10

Worthing Local Plan 2003
BE1, H18, RES7, SC1

Government Advice
PPS1, PPS4, PPG24, PPS5

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

Sussex Police and Conservation Area Advisory Committee both raise no objection.

West Sussex County Council response summarised:

Highways
None of the proposal would appear to affect the highway, therefore no significant concerns

Archaeology
No objection. No anticipated archaeological impact. Site lies within main, northern focus of medieval settlement of Durrington Village, and so is located where remains may exist below ground. Proposal to involve very small amount only of new ground excavation and should have minimal or no archaeological impact.

Borough Environmental Health response, summarised:

The Lamb has a Premises Licence permitting them to serve food and alcohol until 00:30am Thurs, Fri and Sat. However concerned serving food outside after 11pm in an upgraded area designed to attract greater use, may cause unreasonable noise disturbance to adjacent residents. Not aware of hours food was served outside prior to refurbishment. Should be one additional wash hand basin in the men toilets and one additional wash hand basin in the ladies.

Post-script:- *The matter has been discussed with the operators and no food will be served in the garden after 11pm.*

One letter of objection received from occupier of No. 122 Durrington Lane, summarised below:

- *Strongly object*
- *Will bring excessive noise 10/20/or 30 people sitting outside in the early evenings on a raised platform will increase noise levels. No*

sound barriers to prevent noise travelling. Interfere with my personal enjoyment of my own garden

- *Gate at bottom of my garden access here will leave several properties vulnerable. They will also lose their privacy.*

PLANNING ASSESSMENT:

Introduction

The principle planning concerns with this development is its impact visually, upon the Conservation Area, and onto neighbours including noise. Wash basin provision is not a material planning consideration.

Visual and Conservation Area

The public house building has a commanding presence within the Conservation Area with some good period detailing, and a historic identity in the local community. It is a heritage asset for these reasons. Any alteration to it needs to respect the architectural and historic interest of the building, and satisfy the tests of preserving and/or enhancing the Conservation Area.

The majority of the alterations are small in their scale and needed to facilitate the changed internal layout. Each is of appropriate design and materials. The pergola and associated terrace and entrance ramp are the most visually pronounced aspects of the overall scheme. It replaces an existing unauthorised structure. Sufficient detailing has been introduced into the pergola's design to ensure it is of sufficient design quality so as not to detract from the building it would be attached to. And so the surrounding Conservation Area is preserved.

Neighbours and noise

This is an established Public House that has been in operation for many years. The upgraded eating and drinking area would likely attract patrons to stay outside longer and in greater numbers than at present, compared to the present facilities on offer. This is likely to generate noise and disturbance, which will affect the amenities of immediate neighbours.

However any resultant impact should be judged against the present. This application seeks to regularise an outdoor terrace slightly larger than the one already existing. At present no planning conditions exist controlling how the existing outdoor terrace and wider beer garden is used. Any number of people can occupy either at any time. Indeed, it could be argued that by restricting use of the terrace, any noise from people outside could in fact be made worse by making them use tables closer to adjacent residential properties. It is no longer intended to install a cover to the new pergola, so use of the outdoor terrace would be unappealing in bad weather.

Government guidance is clear that planning controls should not duplicate those available under separate legislation. The structure, along with the rest of the beer garden, would be subject to the restrictions imposed under the Premises Licence to ensure neighbour's amenities are protected.

Given these circumstances, it would unreasonable to restrict the activities of the terrace beyond those restrictions set out in the Premises Licence. Restricting activities in the wider beer garden would go beyond the scope of this application.

Conclusion

For the above reasons, and subject to compliance with certain operational and design conditions, the impact arising from the proposal would not be unduly harmful. For this reason refusal of the application cannot be justified.

RECOMMENDATION:

Approve subject to:-

1. ~~Standard time limit~~
2. Plans as approved
3. Food shall be served indoors only after 11pm each night
4. The playing of live music shall take place indoors only after 11pm each night
5. The playing of recorded music shall take place indoors only
6. Use of outdoor terrace shall not take place unless hedging replanted to total length as shown on the approved drawings, and replaced if lost for up to 5 years
7. Base frame of access ramp to match those of existing building, with external surface to be Riven Faced paving
8. External finishes to making good of ~~altered~~ any part of the external walls to match existing
9. Ladies W.C. window, access door serving cold unit, double access gates to bin store, and new access gate from beer garden to private yard shall all be of timber
10. External surface of lower terrace to be Riven Faced Heritage stone
11. No trade waste other than in store.
12. Fence of bin store to match gates.
13. Within 2 months of permission underhang to perogla install
14. Fall in hardstanding to drain into lawn.
15. external lighting + informative on wash basin provision

REASONS FOR RECOMMENDATION:

The proposal complies with relevant Development Plan policies.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

~~N/A~~ Yes

DELEGATED

Case Officer
Sign..... [redacted] .....Date.....11/4/11.....

Authorising Officer
Sign..... [redacted] .....Date.....11/4/11.....