Expires 10/1/08

Development Control – Delegated Officer Report

Application Number: ADC/0615/07 **Recommendation – Refuse Application**

Site: **Empire Club 20 Penhill Road Lancing West Sussex**

Proposal: **Covered seating area (retrospective) and outside seating area at rear on raised timber decking**

The Application

The application site is the Empire Club located on the south side of Penhill Road, Lancing. The social club is bounded to the east by a block of flats, to the west by a garden centre and to the rear by a residential bungalow and gardens. A car park is located to the rear with spaces for twenty vehicles accessed by an east side drive. The rear elevation features an old enclosed concrete store off a 1960's asbestos clad extension.

This proposal seeks retrospective permission for the demolition of the majority of the store and the erection of a timber covered seating area accessed via an existing door into the club. This seating area is open on two sides and features an access ramp to the rear. Additionally, this proposal seeks permission to erect a further timber open seating area within the car park that will be adjacent to the building and off the covered section. This area will be on raised decking 7.4 metres by 4.4 metres with provision for five table benches.

Consultations and Representations

Consultations/Comments

Chief Environmental Health Officer	Object on the grounds of long-term increased noise disturbance generated by both the seating area and the new access door into the premises.
WSCC- Highways & Transport	No Objection but recommend that replacement parking bays are sited on the premises and an element of secured cycle parking is provided.

Third Parties

The residents of No's 10, 12 & The Annexe 13 Roberts Road, and 5 Pendene Court Object on the grounds of:

- Excessive noise disturbance caused by the current use of the covered seating area, particularly until late in the evenings,
- Loss of parking,
- The use of the covered seating area as a smoking shelter and disturbance from tobacco smoke,
- The introduction of a new access door encouraging congregation at the rear of the Empire Club and its use as a main entrance.
- An outside seating area already exists to the front of the building and has caused no problems,
- The additional seating area is not covered by the appropriate license.

No.11 Roberts Road supports the proposal.

Lancing Parish Council Object to the potential noise disturbance and the loss of car parking spaces.

[Nb: The resident at The Annexe, 13 Roberts Road has requested to speak at the Committee meeting]

Contributors

No representations have been received.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005): LOC1, DEV1
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved until adoption of the new Adur Development Plan): AG1, AP7, AE16
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

Structure Plan policies seek to protect, and where possible, enhance the character and distinctiveness of an area, requiring high standards of design, layout and construction (DEV1). Local Plan policy AE16 encourages alterations or improvements to existing businesses in residential areas providing they meet access and parking standards (Structure Plan policies DEV4-5) and will cause no significant adverse effects on the amenity of nearby residents. This impact is reflected in policy AP7 that seeks to minimise the effects of, amongst others, noise pollution on residential areas. PPG24 'Planning and Noise' (para.10) states that Local Authorities 'must ensure that development does not cause an unacceptable degree of disturbance', particularly to residential areas.

Visual Amenity
The proposal will sit off the rear elevation within the rear parking area to the club. The rear and western boundaries are approximately 2 metre high block walls and fencing. The eastern boundary is low wire fencing with a car park to the block of flats beyond. The timber structures will thus not be visible from the street or by neighbouring properties and gardens.

Residential Amenity
The main concern is with regard to the impact the use of the structures will have on neighbouring properties. As current, the rear of the Empire Club is used solely to park vehicles with pedestrian access into the club from the front elevation only. This proposal will encourage patrons of the club to utilise the outside area for drinking and smoking purposes on a regular basis using the new rear door as access into and out of the club. Thus the majority of vehicular patrons will utilise the decking area as a main entrance to the club, encouraging the congregation of people at the doorway and in the covered seating area. It is noted that the club already features a limited outside seating area at the front of the building.
Nearby residents have raised Objection on the basis that the noise already generated by late night custom in the car park has been noticeable greater since the construction of the covered seating area and will be dramatically increased by the addition of more seating. A main objector is the resident of No.12 Roberts Road to the south, whose property sits 15 metres from the decked area behind a 2.5 metre high block wall. Despite this wall the residents of both this and the neighbouring property and flats experience excessive noise and smoke disturbance from the covered seating area until late in the evening. No.12 Roberts Road has stated that the level of noise generated is significantly enhanced by the acoustics of the car park, and compounded by the frequent use of bad language and children running about. The Council's Environmental Health department have voiced their Objections to this proposal on similar grounds.
It is therefore considered that the addition of the covered seating area has already caused excessive detriment to the amenities of the nearby residents and this will no doubt be increased by the addition of a further decked seating area, contrary to both policies AP7 and AE16 of the Local Plan.

Access and Parking
The proposal will result in the loss of four parking spaces. In general though it is considered that the remaining sixteen spaces, plus additional room on the access route, is sufficient space to serve the club. Although Penhill Road can become very congested with on-street parking it is considered that the volumes of traffic can be met by the on-site car park and the proximity of the club to the local public transport network. The County Transport Services department have raised no objection to this proposal.

Other Issues

The Objections have stated that the covered seating area is used as a smoking shelter. They are concerned that the shelter does not comply with current legislation and that the fumes generated by its use cause nuisance to nearby properties. Whilst the 'smoking shelter' does not conform to the government requirement to be over 50 percent open sided, this is not a material planning consideration. Given the distances to the nearest properties (a minimum of 15 metres), it is considered that any smoke fumes can satisfactorily disperse without significant detriment.

The licensing of additional drinking and smoking areas is covered by the Environmental Health department and is not a material planning consideration.

Recommendation

REFUSE on ground that :-

> H23R (amended) 'The existing covered seating area generates a level of ~~constant~~ activity and noise disturbance which is detrimental to the residential amenities and quiet enjoyment of the existing properties in the locality, contrary to the policies of the WSSP (DEV1) and the ADLP (AG1, ~~AP2~~, AE16). The addition of an open decked seating area would further increase disturbance from this site.'

Case Officer:.....

Date:..18/12/07.