Expiry Date - 13/06/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0547/23 **Recommendation – APPROVE**

Site: **North Star Littlehampton Road Worthing West Sussex**

Proposal: **Retrospective application to retain eight timber garden pods**

Date of site visit: 24/05/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located to the north side of Littlehampton Road within a mixed use area, opposite Durrington High School, to the south, the ESSO petrol station to the east, residential dwellings to the north and west and a purpose built 3 storey block of flats to the west of the site. The property is a public house with rendered elevations and pantile roof with a single storey extension to the side. The pub is set back from the road behind a low wall and large forecourt providing parking for patrons, with separate entrance and exit on to Littlehampton Road and a pub garden area to the west side. There is a bus stop directly outside the premises.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

Planning permission is sought for the retention of eight garden pods adjacent to the west and north boundaries of the site, within the pub garden to the west side of the building.

The pods were installed in July 2021 during the Covid pandemic to allow for social distancing. Each pod measures 3.26m wide by 3.05m deep with a shallow pitched roof of 2m high to eaves and 2.61m high to the ridge. The pods are constructed from timber with felt roof and are open to the front and sides. There is a picnic bench within each pod providing seating for customers.

The application has been amended to remove the garden bar from the proposal. The application is solely for the retention of the existing garden pods.

Relevant Planning History:

AWDM/0258/17 - Installation of externally illuminated post signs and 2 no. non-illuminated hand written sign – Approved

08/0082/FULL - New 'lean to' style extension to west elevation to act as a smoking shelter – Approved

01/00540/FULL - Retrospective application for the retention of plant and equipment erected on rear single storey roof – Approved

00/01229/ADV - Installation of two sets of externally illuminated letters to front elevation – Approved

00/00977/ADV - Construction of one illuminated beacon sign within car park adjacent to boundary with Littlehampton Road – Approved

00/00945/FULL - Single storey extension, new lobby, landscaping, provision of parking spaces and external alterations – Approved

Consultations:

Environmental Health - There are no adverse EH comments for this application.

Private Sector Housing – No comment

WSCC Highways - This application is for the retention of eight garden pods and proposed erection of a garden bar. The site is located on Littlehampton Road, an A-classified road subject to a speed restriction of 30 mph.

This application is part-retrospective, with the eight gardens pods having been in place since 2021. The addition of a garden bar is not anticipated to give rise to a material intensification of movements to or from the site. Access and parking arrangements will be unaffected by the proposals.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Sussex Police - The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

This planning application is seeking retrospective planning permission to retain the eight existing garden pods and for a new garden bar. I note the following paragraphs as detailed within the accompanying planning statement:

The new bar will provide a more accessible, and convenient, place for customers using the garden to order their drinks. It will reduce the need for both customers and staff to have to go into and out of the building.

The customer garden is situated on the west side of the building, with the pods being located adjacent to the western boundary, boarding a three-storey block of flats (Carolyn House). The flats face north/south and are set back from the shared boundary behind an access drive serving garaging and car parking.

There have been no complaints from the neighbours about the use of the garden or the garden pods, which, whilst making the garden more attractive, do not increase its capacity (in fact they reduce capacity somewhat). There is no conflict with Policy RES 7.

Both the existing garden pods and new garden bar are compliant with national and local plan policy.

From a crime prevention perspective with regards to the proposed garden bar – it would be advisable to ensure that no alcohol is left overnight within the bar area in order to reduce potential targeting with regards to theft.

Essentially, the garden pods offer year-round protection from inclement weather, and despite the assurances as detailed above with regards to neighbours and noise - I do have concerns about the amenity of the surrounding local community who are likely to be disturbed late into the evening which may be of detriment to them.

If planning permission is granted there will need to a degree of sensitivity shown by users of the garden area, and plans put into place to manage noise issues to ensure that the surrounding local community are not unduly disturbed by year-round use of the garden area.

Representations:

3 objections received as detailed below:

My property backs onto the North Star public house, the noise from the customers using the garden pods is excessive. Unfortunately the language from some people using the pods is disgusting and my wife and I have had to go indoors for a bit of peace and quiet. Quite often rubbish is thrown over the fence. There is already a smell of burnt food from what I assume is a barbeque on the site during sunny days. I understand from my neighbour who have small

children that they have complained both to the customers and the owner/landlord of the pub about the noise and language will little positive effect. Quite clearly the pods should have had planning permission before being put in place.

My house/garden backs directly onto the North Star pub and all complaints seem to fall on deaf ears, we are sick to death of finding rubbish and bottles in our garden, we have 4 small children and the language coming from the pub is utterly disgusting! Even from staff whom congregate in their staff area behind the fence, we have asked time and time again for the language to be kept clean for our children's sake! As we live in a small close behind the pub we as a whole feel this new garden bar will make life in our own gardens unbearable, it's bad enough the pods were erected without consulting the neighbours, now we potentially have to put up with this!!!! We also have the bin lorries tipping the huge bins full of glass bottles at any time of day from 5am to midnight. We have asked for this to be done at a more reasonable time, however, yet again that only lasted a week or so! So, no, I do not support the idea of a garden bar!

There is already enough noise and foul language coming from this pub, from the customers 'smoking area' to the east of the building, the staff break area to the north of the building, the emptying of bottles into the bottle bins at the north of the building and the emptying of the bottle bins into the recycling truck. We as residents adjoining the pub feel the addition of a garden bar will only make this noise pollution worse. Our adjoining elderly neighbours already refuse to sit in their garden due to the noise and foul language.

Officer response- The garden bar has now been removed from the proposal and the application is solely for the retention of the existing garden pods.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to additions and alterations to commercial premises within the built-up area. The key considerations are the effects on the visual and residential amenities of the locality.

Visual Amenity

The pub garden is located to the west side of the pub and set back over 16m from the pavement behind the car park to the front. The garden pods are visible from the road but due to their small scale, low height and set back position they do not form a dominant or intrusive feature in the street scene. The pods are viewed in context with the picnic benches, parasols and seating typical of a pub garden. The pods are of timber construction consistent with the appearance of typical garden buildings and the open frontages and upper side elevations allow

vistas through the site. The pods do not detract from their setting or dominate the site and are considered acceptable.

There is no significant adverse impact on the visual amenities of the locality as a result of retention of the garden pods within the pub garden.

Residential Amenity

The most affected properties are the flats adjacent to the site to the west at Carolyn House and the houses to the north at No.5 and 6 Muirfield Close all of which have boundaries adjoining the pub garden.

It should be noted that this application does not seek to change the use of the land but is for the retention of garden pods providing customer seating used in connection with the established use as a pub garden.

The provision of these pods within an established and lawful use as a pub garden does not directly result in an increase in noise or disturbance to neighbouring properties. Any noise nuisance that may occur would be as a result of the use as a pub garden (which is the established use) and not specifically the pods that are being considered by this application. The pods offer covered seating alongside the uncovered seating within the garden. Although the pods provide additional covered seating options for customers when it is raining, in comparison to uncovered seating, customers using the pods would still be required to enter the pub building to order food and drinks which would therefore minimise any prolonged additional use of the garden in inclement weather. The pods provide a barrier to the rear and above thereby acting as a sound barrier in comparison to open seating in the same position.

Neighbours have raised concerns relating to noise, foul language and rubbish from customers using the pub garden, however, these issues are not as a direct result of the installation of the garden pods but rather the use as a pub garden in general. It is not possible to control noise specifically emanating from the pods as these fall under the same use as any outdoor seating or use of the pub garden. The pub management are required by the licence to monitor noise and take action in relation to any unreasonable noise levels. It would not be reasonable to impose conditions restricting hours of use of the garden pods when no such restrictions apply to the rest of the garden other than those defined by the terms of the licence.

The garden pods do not result in an increase in customer capacity for the pub or pub garden as the pods occupy the same space previously provided for open seating.

There is no overshadowing to neighbouring gardens or overlooking from the garden pods.

The pods for which this application seeks consent to retain, do not in themselves cause any additional detrimental impact on residential amenity over and above the authorised use of the land as a pub garden.

The application originally included the installation of a garden bar, however, this element of the proposal was considered to have an unacceptable impact on both residential and visual amenity and has therefore been removed from the proposal.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Pods used for customer seating shelter only, no use as a bar, music facility

Informative

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.

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Amanda Haslett Date: 09/06/23

Authorised by: Jo Morin Date: 12.06.2023