Development Control – Delegated Officer Report

Application Number: AWDM/0855/19 Recommendation – APPROVE

Site: The Farmers, 17 South Street, Lancing, BN15 8AE

Proposal: Proposed raised decking, fencing and outside seating to car park, south west of existing building.

Date of site visit: 27.06.2019

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application property is a public house situated on a prominent corner location sandwiched between Grinstead Lane to the east, South Street to the south and to the west; with Chester Avenue to the south of South Street. The building faces Grinstead Lane to the north. The roof has green glazed pan tiles, and the bricks are pale in colour, with a darker brick used as a plinth.

There is currently a vehicular access to the large front carpark from/to Grinstead Lane to the east and South Street to the west.

The shopping area starts to the west of the site and continues north along South Street and over the railway crossing into North Road. There are also shops along South Street to the south of the site along to the Brighton Road (A259). Interspersed with the retail uses are residential uses.

Proposal

The proposal seeks permission to provide a raised decked area directly abutting the existing vehicular crossover into the car park. A post and rope boundary will be provided to close the crossover gap.

The decked area will be to facilitate an outside seating area for the patrons of the public house.

Consultations:

Environmental Health:

A condition to be applied restricting the hours of use of the outside seating area to close by 11pm; and a condition allowing only unobtrusive background music to be provided.

Sussex Police: Local Policing Support Team:

"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. With the level of crime and anti-social behaviour in Adur district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered.

I note currently the pub signage indicates a beer garden and that there are a small number of outdoor wooden bench tables outside the front entrances of the premises.

I have reviewed the proposed plans for the decked drinking area within the existing car parking area and note the vehicle entrance on the South Street side (west side of car park) will be closed off to accommodate the proposed plans.

In the entrance gap it is proposed to close off the space with a 1.8m high close boarded timber fence, linked up to the existing perimeter wall on either side which is approximately 0.02m high on the north side of the gap and 1.00m high on the south side.

The fence will mask the wooden patio deck drinking area which will be located behind it in the south west area of the car park.

Currently, the decking area would be bordered on its north edge by a 0.2m high brick wall sloping away to ground level from the west perimeter wall in a straight line eastwards across the car park to the point it reduces to ground level , a distance of approximately 5 metres towards the pub entrance.

From that point a post and rope fence will be provided to a height of approximately 1.3m to act as a barrier between the car park and the pub entrances. The rope barrier will continue in a straight path across the front of the pub for a further 4 metres and will be interspaced with poles approximately 1.6 in height. (The application does not state why these are required, possibly for lighting or flags).

The drawing does not make it clear whether timber fencing is proposed or post & rope fencing is proposed regarding the southern and eastern border of the outside decked drinking area which will provide a barrier and border the car park.

The plan drawing indicates 9 benches within the drinking area.

Outside the external perimeter fence is a 4.17m wide footpath and grass verge (approximately) extending to the carriageway in South Street. There is controlled parking along the South Street with double yellow lines at this point.

On the opposite side of South Street are a row of shops and a car sales showroom. South Street curves from a north to south direction in a tight curve to the east around the south side of the pub car park and joins the junction with Grinstead Lane. The Farmers is located on the north side of the curve

and has its other remaining entrance within the beginning of Grinstead Lane. A surgery is also located opposite the premises in Grinstead Lane, with housing beyond to the west.

Residential properties also exist immediately to the east in Grinstead Lane.

On the bordering pavement and verge there is a street light column adjacent to the north side of the proposed decked drinking area. Immediately to the north of the pub there is also a layby for three vehicles.

I recommend that there must be a clear route and separation from the decked drinking area to the pub's main entrance doors. The drinking area must be well illuminated without causing dazzle or distraction to vehicles being driven in any of the surrounding roads.

Benches or tables left out overnight and slightly separate from the pub building may have an attraction for antisocial behaviour or for sleeping on or under. If benches or tables and chairs are to remain, they must be secured to the ground to prevent them being used for antisocial behaviour, causing damage or as weapons.

I note from police records there have been five previous incidents at this location reported to police since first January 2018 to 31st May 2019.

I have concerns about the supervision of the outside drinking area which is out of view from the staff inside the premises.

The application indicates there will be two full time staff and four part time staff equating to six full time staff.

Opening hours (Mondays to Wednesdays will be 10.30am to 23.30pm), (Thursdays 10.00am to midnight), (Fridays and Saturdays 10.00 am to 00.30am) and (Sundays 12.00midday to 23.00hrs) plus half an hour drinking up time for each period.

The pub has a licence for late night refreshment, live music, recorded music, Indoor sports events and gaming machines.

For the prevention of crime and to help deter antisocial behaviour whilst the pub is open, I recommend that there are sufficient staff to monitor the external drinking area at all times and consideration given to the use of plastic drinking glasses for external use.

I recommend that a CCTV system is installed to cover the proposed outside seating area with CCTV. Any external lighting must be commensurate with the CCTV system. Live images from the CCTV camera must be able to be viewed by staff from within the bar area and images must be stored for later viewing following any incidents. External CCTV cameras must be must capable of dealing with lighting conditions during the hours of darkness There must be a maintenance contract in place to ensure CCTV cameras provide a clear image and are kept in efficient working order. Staff must be capable of downloading and providing stored images from the recording device within the system if required by police.

Further details regarding CCTV and Data Protection can be found at the Information Commissioners Office website at https://icosearch.ico.org.uk/s/search.html?query=CCTV&collection=ico-meta&profile=_default
Guidance for any police requirement can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378449/09 -05-UK-Police-Requireme22835.pdf
The volume of any piped music directed outside the building or any live music must be kept to a minimum level to avoid any disruption to the amenity of surrounding properties.
The applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for any changes to licensed premises serving alcohol or conducting other licensable activities at this site.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act."

WSCC Highways:

"Summary
This proposal is for raised decking, fencing and an outside seating area. The site is located on South Street, a C-class road subject to a speed limit of 30 mph.
Content
No alterations are proposed to the access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents resulting from road layout within the vicinity of the site. Therefore there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.
The proposed seating area will be situated in a place currently used for car parking. The location would result in the permanent closure of the western access point, although this appears to be the existing informal arrangement, with access coming via Grinstead Lane.
On-site turning will still be achievable, allowing vehicles to exit the site in a forward gear. The proposal may result in the loss of 2 potential car parking spaces. However, weight is given to the fact the site is situated in a sustainable location within a 2 minute walk of Lancing Train Station. Nearby bus stops offer connections towards Salvington, Tarring, South Lancing and Shoreham.
Conclusion
The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal."

Representations:

Lancing Parish Council: No objections

Objection: 143 Kings Road; 3 Chester Court, Elm Grove

- Live directly opposite The Farmers, when the doors of the pub are left open in warm weather the noise of their music is already a nuisance.
- Hear it above the sound of our television.
- Would be definitely against any more noise coming from them
- If it is just going to be a more civilised seating area, that is ok
- Definitely no music to be relayed to the outside of the pub
- Will there be any restrictions on noise?
- The Farmers are too loud for residents in nearby streets, even when we're inside
- This is a plan for the pub to use outside space, I would object unless there are limitations place on noise levels and times
- There needs to be a reduction in volume in the outside speakers, to safeguard residents
- The also needs to be a cut off time, after which music or any other audio isn't played outside at all

Relevant Planning Policies

Adur Local Plan: Policies, 9, 15, 27, 34
National Planning Policy Framework (2019)
National Planning Practice Guidance

Planning Assessment

The proposal is acceptable in principle, subject to its effect on the visual and residential amenity of the neighbouring properties and the streetscene in general.

Visual Amenity

There is already outside seating and the proposal, which seeks to provide a formalized seating area within the underused car park, with the new boundary closing the existing crossover off from use, is acceptable in principle.

The application has been amended to remove the close-board fence as originally proposed with a less intrusive post and rope fence. This retains openness through the site and is visually more acceptable.

Parking

WSCC Highways have no highway objections to the proposal.

Residential Amenity

It is noted that the objection received is based on a situation that has existed and the neighbour is concerned that it will worsen. The Environmental Health have been consulted on the proposal and they raise no objections to it, but do

suggest that conditions be applied to any approval restricting the hours of use to 11pm, and requiring any music to be unobtrusive and background music only.

Sussex Police whilst not objecting to the proposal do consider that many 'mitigating' matters should be introduced to make the use acceptable. However the matters they are talking about go beyond the powers required to determine the application. The suggestion of the Police to secure the table and chairs/benches to the ground is not appropriate in the consideration of this current application. The Police themselves may be better placed to make such a suggestion to the public house, as too the suggestion for increased staff and plastic glasses for external use; the installation of CCTV.

One of the appropriate suggestions is that the level of music outside is kept low. This will be reasonable, and a condition on any approval will accordingly be applied.

Recommendation

APPROVE

1. Approved plans
2. Standard time limit
3. Use of the outside seating area hereby permitted shall cease at 2300 hours every day.
4. Only unobtrusive background music shall be provided for the new outside seating area. For this purpose the music noise level shall not exceed 75dB (LAeq15min) at any boundary of the premises
5. The boundary treatment herby approved shall be put in place before the seating area comes into operation.

Informative

1. Application approved following amendments
2. Please note Sussex Police comments

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

Case Officer: Eve Hearsey Date: 15.10.2019

Authorised by: Peter Barnett Date: 15 October 2019