Expiry Date -

Development Control – Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/0804/13

Site: **British Legion Club 6 Culver Road**

Proposal: **Retrospective amendment to AWDM/0995/12 Smoking shelter on west side frontage**

Neighbours checked: Y

Additional neighbour notifications: /N

Proposal, Site and Surroundings

The proposal seeks retrospective permission for a single storey front extension, intended to be used as a smoking shelter.

The application property is a detached building with rendered walls at ground floor and exposed red brick at first floor. It is occupied by the British Legion.

The surrounding area is commerical in character, with residential properties further down the street.

Relevant Planning History
AWDM/0995/12
Replacement smoking shelter on west side of frontage (removal of existing)
19.10.2012

Consultations

Lancing Parish Council: *No objections*

West Sussex County Council: *No concerns with this application from the highway point of view.*

Adur & Worthing Councils: **Environmental Health*:*** *Object to the application as it stands. Under the Health Act 2006, it is an offence to allow smoking in an enclosed or substantially enclosed area where the public have access. At least 50% of the wall space must be open in order not to be classed as substantially enclosed. The proposed development does not meet these standards.*

Representations
None

Relevant Planning Policies and Guidance

Adur Local Plan (saved policies): AG1, AR7, ACS5, AS1
National Planning Policy Framework

Planning Assessment

Principle

Saved Policies AR7 and ACS5 support the upgrading of quasi-community facilities in principle.

The extension fails to meet the requirement of the Health Act 2006. However this is separate legislation to planning and would not substantiate a reason for refusing permission.

Visual amenity

The extension comes forward of the main building but there is a variation in building types in the street, and not regimented building line. The scale and design of the extension is appropriately subservient to the main building, and its construction materials and finishes are well integrated to that of the building.

No visual harm would arise from it.

Residential amenity

The extension is built in the car park from which neighbours already experience background noise generated by existing comings and goings.

The flank of the extension closest to the immediate neighbour is solid, so there would be little additional transfer of noise and disturbance onto this neighbour when the extension is occupied by patrons.

There would be no material loss of amenity as a result.

Accessibility and parking

Only a small section of the car park is now occupied by the extension, so there has been no detrimental harm to parking provision on the site or wider highway network.

Recommendation

APPROVE for the reason:-

The proposed development has not detracted from the local environment and has taken place without resulting in unacceptable detriment to the amenities of neighbouring properties. It does consequently not conflict with the ‘saved’ policies of the Adur Local Plan (AG1, AR7, ACS5, AS1)

Subject to Conditions:-

1. Approved Plans

Informative:

1) *The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework*

2) *Notwithstanding the development hereby permitted, the applicant's attention is drawn to the comments received from Adur & Worthing Councils Environmental Health services:*

   Under the Health Act 2006, it is an offence to allow smoking in an enclosed or substantially enclosed area where the public have access. At least 50% of the wall space must be open in order not to be classed as substantially enclosed. The proposed development does not meet these standards.

Is recommendation contrary to any representations? N

Case Officer signed: Matthew Porter Date: 28-8-2013

Authorised and signed by: PD Date: 29.8.-2013