Expires 3/12/08.

# Development Control – Delegated Officer Report

**Application Number: ADC/0496/08** **Recommendation – Permit Application**

**Site:** **The Royal British Legion 9 - 11 Buckingham Road Shoreham-by-Sea West Sussex**

**Proposal:** **Covered storage area in rear yard (retrospective)**

## The Application

The application site is the Royal British Legion building located on the west side of Buckingham Road, Shoreham. The unit is mid-terrace within a parade of shops and flats just north of the Shoreham Conservation Area. To the rear/west is a communal passageway to the rear gardens of Queens Place beyond.
Retrospective permission for a wooden smoking shelter that has been erected in the rear yard of the building was refused under ADC/0257/08 for reason that:

> *The covered seating area generates a level of activity and noise disturbance which is detrimental to the residential amenities and quiet enjoyment of nearby properties in the locality, contrary to the policies of the West Sussex Structure Plan (DEV1) and the Adur District Local Plan (AG1, AE16).*

This application seeks permission to keep the structure in place but instead use it solely for storage purposes. Attached photographs indicate that the seating area has been removed and that it is already being used for the storage. The structure itself is 2.4 metres in height, 2.4 metres in width, and 4.2 metres long with a corrugated clear plastic roof.

## Consultations and Representations

### Consultations/Comments

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|---|---|
| Chief Environmental Health Officer | No objection to the use of the covered area for storage. Objection would be raised though if it is used as a drinking or smoking area. |

### Third Parties

No representations have been received.

**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, 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. 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 sits off the rear elevation adjacent to a 1.8-2 metre high flint wall that from the boundary to the rear passageway. Beyond are the rear gardens to Queens Place behind a further smaller flint wall. As the structure sits above the flint wall it can be seen from both the passageway and the neighbouring rear windows and gardens to Queens Place. The visible sections of plastic corrugated roof and light timber supports do not blend in well with the surrounding flint walls or the vegetated rear gardens of Queens Place, which is within the Shoreham Conservation Area. On balance though, given that the site is entirely out of sight from the street and only partially visible through the surrounding vegetation, it is not considered that refusal solely on this ground is reasonable. The structure will weather over time and blend in more sympathetically with the area.

***Residential Amenity***
The main concern with the previous application was the impact the use of the structure had on neighbouring properties, especially as it is sited just 2.5 metres from the rear gardens of these properties. The previous application to use the structure as a smoking shelter was refused due to the unacceptable

impact it would have on the general amenity of these neighbouring properties, by way of noise and smoke pollution.
This revised application seeks permission to use the structure for storage only. It is considered that this will generate minimal disturbance to the quiet enjoyment of the local residents of their private rear gardens. It is noted that the storage area is not covered by the existing license for the premises and so cannot be used as a drinking area unless this license is amended. Likewise it does not conform with the new smoking regulations which require smoking shelters to be at least 50% open. It is therefore accepted that controls are in place to ensure that the structure is solely used for storage and no other purpose which could result in disturbance to nearby residents. For this reason it is considered that this proposal meets local plan policy AE16 and PPG24 requirements.

## Recommendation

APPROVE for reason that :-

The development has not detracted from the existing local environment and has taken place without resulting in unacceptable detriment to the amenities of neighbouring properties. It consequently does not conflict with the relevant policies of the ADLP (AG1, AE16) and the WSSP 2001-2016 (LOC1, DEV1).

Subject to:

1. The covered storage area shall be used solely for storage purposes incidental to the use of the site as a ~~licensed premises~~ private members' club.
Reason: In the interests of amenity and to comply with policy AE16 of the ADLP.

Case Officer:.....

Date:17/4/08.

PB 18/11/08