

**Sutton-on-the-Forest**

Ward: Huby

**10**

Committee Date: 20 August 2015

Officer dealing: Mrs Helen Conti

Target Date: 3 September 2015

**15/01595/FUL**

**Retrospective application for the removal of a window into store area and replace it with a serving hatch and the installation of additional decking to rear.  
at Rose and Crown, Main Street, Sutton-on-the-Forest  
for Mr Stuart Temple.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This retrospective application seeks permission for the construction of a small area of decking and the installation of wooden serving hatch doors into a store room of a pub within the Sutton-on-the-Forest Conservation Area.
- 1.2 The decking area measures 1.6m wide, 2m in length and 0.2m high. It has been erected between the existing decking and the boundary fence with the adjoining property of The Old Village Stores and abuts the boundary.
- 1.3 The serving hatch has been installed on the rear wall of the pubic house. This area of the pub is currently a storage room. It is proposed to use this room and hatch to serve ice cream and sweets during daylight hours in summer. It should be noted the internal alterations required to use the store room for sales does not require the benefit of planning permission as the sales would be considered as ancillary to the main use as a public house. The serving hatch has been constructed using solid wood doors.
- 1.4. The public house is situated on Main Street, Sutton-on-the-Forest, a residential area with residential properties located either side of the pub and a sports field/playground to the rear. The section of close boarded fencing adjacent the raised decking area is 1.8m high above the 0.2m high raised deck, consistent with the rest of the eastern boundary consists of a 2m high close boarded fence.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 07/02412/FUL - Revised retrospective application for gazebo and decking at existing public house; Permitted 20 September 2007.
- 2.2 06/02840/FUL - Retrospective application for gazebo and external eating area at existing public house - Temporarily permitted January 2007.
- 2.3 06/00210/FUL - Conservatory extension to existing public house; Permitted April 2006.
- 2.4 2/99/144/0038E - Revised application for extensions to existing public house; Permitted September 1999.
- 2.5 2/96/144/0038C - Renewal of consent for extensions to existing public house; Permitted June 1996.
- 2.6 2/92/144/0038B - Change of use of existing public house to a dwelling and outline application for the construction of a detached dwelling; Refused March 1993.

- 2.7 2/90/144/0038C - Extensions to existing public house; Permitted April 1991.
- 2.8 2/144/38/PA - Construction of a detached garage for use as a bottle store at existing public house; Permitted December 1976.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP15 - Rural Regeneration  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP1 - Protecting amenity  
Development Policies DP25 - Rural Employment  
Development Policies DP28 – Conservation  
National Planning Policy Framework  
National Planning Practice Guidance

### **4.0 CONSULTATIONS**

- 4.1 Sutton on the Forest Parish Council confirms that it has no objections but has submitted comments which are summarised as follows:
- The intention is to served ice cream and teas from the hatch during the day when the pub is closed. The hatch will allow children to be served without entering the licensed premises;
  - Modest diversification will help to keep the pub financially viable;
  - Substantial fence at right angles to the hatch, the majority of customers would be unable to see over the fence into neighbouring property when standing on new decking;
  - It is possible there would be some noise generated if a large number of children are present and the hatch is close to the boundary;
  - As the serving hatch is justified on the grounds of serving ice cream, teas etc., would ask for a condition that it is not used for selling alcohol; and
  - It seems unlikely that small project will cause problems and may fill need locally which is not otherwise met.
- 4.2 Environmental Health Officer - no objection. Noise complaints have been investigated, however officers consider the extension to the decking to give access to the serving hatch for ice cream and sweets is unlikely to lead to a marked increase in the general noise profile of the premises.
- 4.3 Neighbours notified and site notice put up - no response.

### **5.0 OBSERVATIONS**

- 5.1 The main planning issues to take into account when considering this application relate to whether the scheme is appropriate in terms of scale, design and appearance; whether there would be an adverse impact on the amenities of adjoining residents as a result of the scheme; and whether the proposals have an adverse effect on the appearance or character of the Sutton-on-the-Forest Conservation Area.
- 5.2 The decking and serving hatch are well screened from public view points by existing boundary treatments and structures. The development is considered to be of an appropriate scale and materials, and the appearance is considered acceptable. It is therefore also considered that the scheme would not result in an adverse impact on the appearance or character of the Sutton-on-the-Forest Conservation Area.

- 5.3 The main concern in relation to this application is the impact of the use of the decking and serving hatch on the neighbours' amenity in terms of noise nuisance and potential for overlooking. The existing decking is located 1.6m away from the eastern boundary with The Old Village Stores and a planted border previously existed between the decking and the fence. The border has now been removed and the decking abuts the boundary fence. As such there is a potential for members of the public to stand right up to the boundary fence. The fence between the two properties next to the new area of decking is 1.8m high (6ft). It is considered this could lead to a degree of overlooking into the neighbouring property if a tall person is stood on the decked area.
- 5.4 With regard to the issue of noise, Environmental Health Officers do not have any objections to the additional decking and serving hatch. The Environmental Health Officer does not consider the extension to the decking to give access to the serving hatch for ice cream and sweets is likely to lead to a marked increase in the general noise profile of the premises. There have been issues with noise complaints relating to occasional use of the beer garden for events rather than the general use of the beer garden.
- 5.6 Nevertheless it is considered that unregulated use of the decking and serving hatch by customers could have a detrimental impact on the amenity of the neighbouring residential property of The Old Village Stores. Previously there was a gap of at least 1.6m between the boundary treatment and the nearest customer; however the built changes have resulted in customers being able to stand right up to the boundary with the potential for people queuing for ice creams etc. adjacent the neighbour's garden creating noise and potentially overlooking into a private garden. As submitted, the proposal does not meet the requirements of the Local Development Framework Policy DP1 that: "All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight." Whilst a home next to a public house with beer garden is likely to be exposed to noise and disturbance the decisions previously taken to prevent decking being formed immediately adjoining the boundary have sought to protect amenity. The proposal to use the hatch and decking for sale and consumption of food and drink, albeit soft drinks and ice cream during the day, does not protect amenity and so if the application is to be approved measures are required to protect amenity.
- 5.7 As the physical works have been completed and are not objectionable in planning terms it is appropriate to seek to find a means of allowing them to be retained and also protecting the amenity of neighbours. Conditions can be imposed to prevent the use of the hatch or indeed opening that hatch at all and to preclude the use of the decking that has been formed as a seating or queueing area by allowing it to be used solely for the storage of items required as part of the operation of the public house. A condition is recommended with this objective.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing A101 and details received by Hambleton District Council on the 8th June and 30th June 2015 unless otherwise agreed in writing by the Local Planning Authority.

3. The serving hatch shall remain closed at all times and shall not be used for serving members of the public. The additional decking area adjacent to the serving hatch shall only be used as an incidental storage area ancillary to the use of the public house and shall not be used by patrons or for any other purpose.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP15, CP16, DP1, DP25 and DP28.
3. To protect the amenities of the neighbouring dwelling in accordance with Hambleton Development Policy DP1.