

LU/110/07**PLANNING APPLICATION REPORT**

DESCRIPTION/	- Change of use from shop to café
ADDRESS	David Hillyard Ltd., Rope Walk, Littlehampton

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Application is for change of use of existing chandlery shop and office to café to replace a café which closed down approximately 3 years ago which was located in Rope Walk.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Existing retail unit selling boat chandlery merchandise and linked with other units to southeast. Adjoining retail at ground floor. 1 st floor residential. Hillyards is a marine Engineering premises.
CHARACTER OF LOCALITY	Mix of commercial and residential properties. B&B opposite.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
LU/89/62	Café, marine store and 2 flats	Approved Conditionally 11/5/62

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Littlehampton Town Council	No objection
4 letters of objection	Increased noise and traffic. Illegal parking already occurs. Parking is already a problem. There is no extra space for customers a cafe will create. Already too much traffic. Property unsuitable for its intended use. Property above would be adversely affected. Increased noise from early morning to late at night. Bedroom accommodation above, cooking smells would need to be limited accordingly. Additional disabled parking would be welcomed.

LU/110/07**REPRESENTATIONS RECEIVED**

SOURCE	SUMMARY OF CONTENT
5 letters of support	Original construction of building intended there should be a café on the ground floor. There is still in-situ a vent chimney for the kitchen. There is a demand for a café. Proposed new café/bistro on marina will not cater for the local labour force which includes fishermen as it will be aimed at an entirely different sector of the community. Would be an asset for the area.
Petition of support 725 signatures	Marina Café which has existed for 30 years is closing in September due to redevelopment. Upset by its loss. Pleased new café could open to accommodate local boating community as well as local business which will provide a continuing service which is very much needed.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Highways	No highway objections.
Environment Agency	No objections.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Protected Coastal Area

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, DEV2 Arun District Local Plan : GEN7, DEV30, SITE10, AREA8
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PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
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POLICY COMMENTARY

The above policies combine to outline the relevant development control criteria against which the application will be assessed particularly with regard to visual and residential amenity, the character of the area and the viability of the proposed development of the harbour and retention of marine facilities.

COMMENT ON CONSULTATION RESPONSES

None

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COMMENT ON REPRESENTATIONS RECEIVED

Parking demand would not differ from that currently experienced in the area. The café parking demand would replace parking generated by the existing retail use. Illegal parking is the subject of separate legislation. The site has previously been used as a café. Consent was granted in 1962 for a marine café with 2 flats above.

ASSESSMENT OF PROPOSAL**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that the premises have not been marketed for retail use and no viability study has been submitted.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Policy DEV30 of the Local Plan requires for application for changes of use from retail purposes to demonstrate that retailing is no longer viable and that reasonable attempts have been made to market the premises for retail use. The reason for the policy is to prevent the loss of local and village shops which are of community benefit. It is considered that an exception to this policy should be made in this particular case on the basis that the retail premises in this type of location would not be of community benefit. In addition, an alternative retail use to the former chandlery use would be contrary to Policies SITE 10 and AREA8 which seek to support continuation and development of the harbour as a commercial and recreational port and grant development that will maintain, improve and develop the existing boatbuilding and marine related commercial uses.

Retention of the premises as a café, which would be used by local employees, businesses and visitors to the area, would comply with these other policies which apply to the site.

The Local Planning Authority could not insist that the existing chandlery retail business remains. A café use supporting the existing development in the area would be preferable to an empty unit, particularly since existing café provision is the subject of a permission for re-development.

The proposed use would not significantly increase noise or activity at the site which is located in a commercial area. The existing premises have customers entering and leaving the site throughout the working day. Further, the site was originally constructed as a café at ground floor with residential use above. Both uses have therefore operated in the past without harm being caused to residential amenity.

Adequate food ventilation requirements have previously been provided in accordance with

LU/110/07**CONCLUSIONS**

Environmental Health legislation. It is, therefore, unlikely that appropriate provision cannot again be made. A condition restricting hours of opening between 9 am. and 6 p.m. is suggested to protect the residential amenities of adjoining properties.

The application is therefore recommended for approval subject to the conditions set out overleaf.

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Rope Walk
Littlehampton

RECOMMENDATION

Approve Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The use hereby permitted shall not be carried on until a means of ventilation for the extraction and disposal of cooking odours has been provided in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN34 of the Arun District Local Plan.

- 3 Before the use is first commenced, provision shall be made at the premises for the collection of customer waste in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be maintained to the satisfaction of the Local Planning Authority whilst the use is taking place.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 4 The premises shall not be open for trade or business except between the hours of 9 am and 6pm daily and there shall be no external illumination on the premises.

Reason: To safeguard the amenities of neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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5 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission was granted because, although the proposed development does not comply with the policies in the Development Plan listed below in that the premises have not been marketed for retail use and no viability study has been submitted, there are material considerations which indicate that it can be granted. These material considerations are that the use would serve and support the existing marine related commercial uses within the area.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1,DEV2

LOCAL PLAN: GEN7,DEV30,SITE10 and AREA8

NATIONAL POLICIES: PPS1

This paragraph is to comply with Article 22 General Development Procedure Order 1995