

REPORT UPDATE

Application No: LU/119/26/S73

Reason for the Update / Changes

Reason for Update/Changes:

The NPPF has been updated.

Policy TC2 is of relevance and states substantial weight should be given to the benefits of supporting the overall vitality and viability of the centre.

Policy P3.1 states development should be appropriate for its location. Policy P3.2 (a) makes reference to avoiding exposure to levels of noise or other sources of pollution which can have an adverse effect. The proposal complies with this.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Application under Section 73 for the Removal or Variation of Conditions Under a Previously Approved Permission

REF NO: LU/119/26/S73

LOCATION: Casino Slots
48-50 High Street
Littlehampton
BN17 5ED

PROPOSAL: Variation of condition 3 imposed under LU/249/19/PL relating to hours of operation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the variation of Condition 3 imposed under LU/249/19/PL which restricted the hours of operation for the site to 09:00-21:00 hours Monday to Saturday and 10:00-18:00 hours Sunday and Bank Holidays. The variation would result in the restricted hours of operation being 09:00-00:00 hours (midnight) Monday to Sunday, with these same hours on bank holidays.
SITE CHARACTERISTICS	50 High Street is an established Licensed Betting Office & Adult Gaming Centre (Casino) within the Primary Shopping Area of Littlehampton Town Centre.
CHARACTER OF LOCALITY	The area comprises the Primary Shopping Area of the Littlehampton Town Centre and features a distinct retail character, though many first-floors within the area include

residential uses.

RELEVANT SITE HISTORY

LU/164/24/PL Change of use of first floor residential flat (Use Class C3) to office accommodation (Use Class E), in connection with the commercial use of 50 High Street, together with bin and cycle storage. This application is in CIL Zone 4 (Zero Rated) as other development. ApproveConditionally
20-08-24

LU/249/19/PL Change of use of No 48 from Licenced Betting Office & Adult Gaming Centre (Sui Generis) to Retail (A1 Shops) & No 50 from Retail (A1 Shops) to Licenced Betting Office & Adult Gaming Centre (Sui Generis). ApproveConditionally
06-12-19

LU/249/19/PL - This application approved the change of use of the application site to a Licensed Betting Office and Adult Gaming Centre, subject to a condition restricting the hours of operation which the current application pertains to.

LU/164/24/PL - This application approved the change of use of a first-floor residential unit at the rear of the site to an office serving the application site.

REPRESENTATIONS

Littlehampton Town Council - Objection:

- While the Town Council wish to support night-time economy, it was felt the application could have an adverse effect on neighbouring amenity, by reason of noise and disturbance. As seen raised by Sussex Police in their consultation.

1 letter of objection from nearby occupier:

- Concerns about operations until midnight, seven days a week.
- Littlehampton is trying to promote itself a family-friendly and safe seaside location.
- High Street already has issues with promoting itself in this way.
- Belief that late-night gambling conflicts with this aim and concerns that it could contribute to anti-social behaviour.
- Fear that proximity to late-night drinking venues could exacerbate problems.
- Extended hours may encourage excessive gambling and that 9:00pm is a more reasonable closing time.

COMMENTS ON REPRESENTATIONS RECEIVED:

All comments noted. Relevant planning matters are discussed within the conclusions of the report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Sussex Police Designing Out Crime Officer:

- Pleased to note robust management plans in place, but an increase in hours will mean additional footfall until the early hours 7 days a week and the potential for the amenity of the local surrounding community cannot be overlooked.
- Should this application be approved, a large degree of sensitivity will be required to make sure the local community are not unduly disturbed, and it will, therefore, be a matter for the applicant to ensure that this is managed in the most appropriate manner.

Environmental Health - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-up Area Boundary.
Economic Growth Area.
Town Centre Retail Boundary.
Primary Retail Frontage.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment
EMPSP2	EMP SP2 Economic Growth Areas

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no policies of direct relevance within the Littlehampton Neighbourhood Development Plan.

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 complies with relevant Development Plan policies in that it would enhance the night-time economy of the Town Centre and economic growth area while preserving the character of the area and without resulting in any unacceptable adverse impacts by way of noise or disturbance on neighbouring

residential properties.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

SECTION 73

As this is a Section 73 application, any new permission granted under this application sits alongside the original permission (LU/249/19/PL). The NPPG states that for the purpose of clarity, conditions imposed on the original/earlier permissions that continue to have an effect should be re-imposed (Paragraph: 040 Reference ID: 21a-040-20190723). In accordance with this advice, conditions from LU/249/19/PL have been re-imposed on this permission where necessary. Those which need to be amended to reflect the updated details submitted in support of this application have also been amended accordingly. It is not necessary to reimpose the standard time or plans conditions since the original permission has already been implemented.

CHARACTER

The proposal seeks to extend existing hours of operation. It would go from 09:00-21:00 hours Monday to Saturday and 10:00-18:00 hours Sunday and Bank Holidays, to 09:00-00:00 hours (midnight) Monday to Sunday, with the same hours on bank holidays.

When considering the proposed hours which would extend into hours of darkness day-to-day and on Sundays and Bank Holidays when it would generally expect less activity, it is first important to recognise the location of the site and its setting. The site lies in the Town Centre, along Littlehampton High Street, in a prominently commercial setting. There are residential uses in the locality that require protection in terms of their amenity, however, the primary context and character of the area is that of a commercial setting. In such environments, it is not unexpected that there would be activity and a level of disturbance. That said, hours of darkness tend to feature limited activity and a quieter environment

The locality includes multiple premises that operate during hours of darkness and contribute to the night-time economy, which is discussed further later in this report. Such premises include three Public Houses which operate within hours of darkness, closing as late as midnight, 1:00am, and 2:00am respectively, depending on the day of the week. These include 'The George', 'The Dolphin', and 'The Crown' (adjacent). While many commercial premises along the High Street close at usual working hours and are often not open on Sundays, the site is a contributor to the night-time economy and its proposed hours would not appear anomalous alongside the other night-time economy uses in the area.

Concerns have been raised regarding the 'family-friendly and safe' vision for Littlehampton. To the extent that this is of relevance to the character of the area and may be influenced by the proposal, it remains that 'Cassino' is an established use within the High-Street. The extended hours are unlikely to have any impact on what can be considered, or is envisioned to be, a 'family-friendly' environment since families and younger children are unlikely to frequent the High Street at such times. In any event, Adult Gaming

Centres and Licensed Betting Offices, like any other specific use, cannot be attributed to the causation of Anti-Social Behaviour since this is caused by individuals, rather than any particular the use. It is understood the site has operated without complaint of noise, nuisance, disturbance, or disorder, and neither the Designing Out Crime Officer from Sussex Police, nor Environmental Health raise objections or highlighted knowledge of such instances that would give pause to dispute the applicant's proclamation.

While concerns regarding the potential for Anti-Social Behaviour (ASB) in the later hours are acknowledged, the use of the site, nor its extended hours, cannot be identified as being casual to such behaviour. The Designing Out Crime Officer acknowledges this potential, but notes it is positive that the applicant has robust management plans in place and concludes that it is the responsibility of the applicant to carefully and appropriately manage potential undue disturbance to the community.

Upon request, the applicant supplied details of the Operational and Security Management Plan that was updated in January 2026. This plan highlights the following key points:

- Staff are present on the shop floor with customers
- Strictly no person(s) under 18 is allowed to enter the premises
- Staff are trained to be aware of vulnerable people and other social needs
- No alcohol is permitted on the premises
- Notices related to age, alcohol prohibition, and CCTV are present
- Entry is controlled by staff at all times
- Staff have measures are in place to protect local amenities
- Staff monitor the area immediately outside the premises and assist customers needing transportation
- A comprehensive CCTV system that records continuously while the site is in operation and stored for 28-days
- That incident logs and records are to be recorded, including entry refusals or other relevant issues
- That this management plan is reviewed annually and updated where required.

The Operational and Security Management Plan is an operational document that the operator has in order to promote the licensing objectives under the Gambling Act. All Gambling Act operators have a duty to promote the licensing objectives and the Gambling Commission and Arun's Licensing department could take enforcement action if they felt that there were issues with the premises. The premises has the benefit of an old Gambling Act premises licence, and so the Arun DC licensing department can only enforce the conditions contained on the premises licence. There is no specific condition in relation to the Operational and Security Management Plan.

Given Arun's ability to take action under the Gambling Act it is not necessary to apply a condition to require compliance with the Operational and Security Management Plan

The use of controlled entry staff and CCTV are supported by section 65.1 of the 'Secured by Design' Guidance document and within pages 49-50 of the 'Safer Places' Guidance document.

The nature and use of the site is established, the extended hours would not appear anomalous given the later closing hours of other night-time economy uses within the vicinity, and there is no evidence that the site would have any unacceptable impacts on the character of the area by virtue of ASB or any other means. The site already has suitable mitigation and management measures to effectively manage such behaviour and impacts should they occur. The proposal is in accordance with ALP policy D DM1.

NOISE AND AMENITY

The site is adjacent to multiple residential premises, primarily within the upper floors of attached/adjacent buildings. Environmental Health were consulted with specific consideration of the extended hours of operation. They raise no objections.

While activity at the site would extend into the hours of darkness and to Sundays/Bank Holidays, there is no evidence that the on-site activity would generate unacceptable levels of noise or disturbance. In the absence of any objection from consultees Officers have considered the impact of disturbance that may be generated from the additional hours of operation. It is accepted that this could increase due to the longer opening hours. However, the applicant has management plans in place for the control of entry, assistance for departing patrons securing transport, and ultimately, it falls to the applicant to ensure that any potential undue disturbance arising from the behaviour of individuals is managed in an appropriate manner as identified by the Designing Out Crime Officer from Sussex Police.

The grant of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

The proposal is in accordance with ALP policies QE SP1 and D DM1.

EMPLOYMENT AND ECONOMY

The site is in the Littlehampton Economic Growth Area and is an established business. The proposal would extend business hours and enhance economic stimulus for the business and the general economic vitality of the Town Centre as a result. This is a material consideration and an economic benefit. It is broadly supported by ALP Policy EMP SP2 which states that 'Development in the wider Economic Growth Area will be encouraged which increases the vitality of the town centre.'

SUMMARY

Given the provisions of the Gambling Act and Arun's powers to take action under it a temporary permission to assess the impact of the additional hours is not necessary. Neither is a personal permission limiting the use to the applicant as this would not be necessary or reasonable.

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan (TQRQM26148090111008) (Dated: 28/05/26).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and QE SP1.

2 The use of the Adult Gaming Centre and Licensed Betting Office at No. 50 High Street, Littlehampton, shall only be operated between the hours of 09:00 - 00:00 hours (midnight) on any given day and at no other time.

Reason: To safeguard the amenities of nearby residents in accordance with Arun Local Plan policies D DM1 and QE SP1.

3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission has been granted under a Section 73 application within the meaning of the Town and Country Planning Act 1990 (as amended) and relates to a planning permission for 'small development' originally granted before the 12th of February 2024 (before Statutory Biodiversity Net Gain was introduced).

Reason: In accordance with NPPG Paragraph: 003 Reference ID: 74-003-20240214.

4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.

5 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Team: pollution@arun.gov.uk, 01903 737555.