Recommendation Report for Planning Permission

REF NO: **LU/142/13/**

LOCATION: West Beach Cafe
Ropewalk
Littlehampton

PROPOSAL: Install 2 No toilets (1 No disabled) and 1 No storage unit to existing cafe.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a metal shipping container containing a single and disabled toilet to the rear of the existing premises which would be 2.4 metres deep and 3.7 metres long. A new section of fencing 1.2 metres high comprising hardwood posts and mesh infill is also proposed.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to approximately 1.5m on edge of seating area.
SITE CHARACTERISTICS	Existing modern flat roofed building. Black brick work tiled elevations. Blue painted window frames. Toilet and visitor centre building to rear of site adjacent to footpath. Outside seating area in front of cafe adjacent to paths. Ramp to side and steps next to parking area
CHARACTER OF LOCALITY	Predominantly rural/beach environment. River to east. Beach and sand dunes to south. Golf course to north.

RELEVANT SITE HISTORY

LU/99/11/	Change of use from (A1) kiosk to (A3) cafe to include replacing timber boarded front elevation with glazing & fit security shutters to door & window openings. Re-site fryer flue & install flag pole & install 2 no. toilets & storage unit at rear	ApproveConditionally 05-10-2011

REPRESENTATIONS

Representations received:

Littlehampton Town Council
No Objection

One letter of objection - It seems pointless to build toilets for this cafe when the existing public toilets are so very near the cafe. Any new building in the site adjacent to the beach, park and common land should be resisted.

Arun Access Group - The disabled toilet should swap places with the normal toilet as proposed, as it affords more space to allow wheelchair access, as the disabled toilet door should open outwards. The flue could interfere with the disabled door opening radius.

Comments on Representations received:

The need for the toilets is not a relevant consideration. Toilet provision has previously been approved under LU/99/11. Building control would deal with access issues as part of their considerations.

CONSULTATIONS

Estates Manager
Building Control
Environmental Health
WSCC Strategic Planning
Natural England

Consultations responses received:

County Highways - No Objection

Natural England - The construction of the 2 toilets and storage unit will be located on sand dune habitat, and will involve clearance of scrub and dune vegetation. Coastal sand dunes are a priority habitat. While this development will not directly impact on the Climping Beach SSSI. It will inhibit the natural roll back of the dunes, and the scrub removal will result in the loss of a feature which offers protection to the sand dunes. The Local Planning Authority should therefore consider whether there are alternatives to this scheme i.e. location to the front (north side) of the cafe, or consider mitigation measures that will ensure no net loss of BAP habitat in line with their Natural Environment and Rural Communities Act duties. No objection as to impact on Climping Beach Site of Special Scientific Interest.

Comments on Consultation responses:

Concerns of Natural England are shared.The development could be alternatively located and the design of the structures would not be appropriate in this location.

POLICY CONTEXT

Designation applicable to site:
Outside Built-Up Area Boundary
Area of Special Control for Adverts
Site of Special Scientific Interest
Site of Nature Conservation Importance
Protected Coastal Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN29	Nature and Conservation Across the District

DEV35	Tourism Development Requiring a Coastal Location
AREA14	Sites of National Importance for Nature Conservation
AREA15	Sites of Local Importance for Nature Conservation

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area and the priority habitat.

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

TOURISM:

The site lies outside the defined built-up area boundary and the application falls to be considered against Policy DEV35 of the Local Plan. Small scale extensions such as that proposed are acceptable provided they do not detract from the character of their surroundings. The proposed style of building and its materials would be inappropriate in this coastal setting. Whilst the container would be sited to the rear of the premises it would not be completely screened from view since it would project past the side elevation of the existing building and would not benefit from screening in front or to part of the side. To the rear it would be obscured from direct view by the dunes. The proposal therefore conflicts with this policy.

NATURE CONSERVATION:
The site lies immediately adjacent to a site of Nature Conservation Importance (SNCI) to the north and a Site of Special Scientific Interest (SSSI) to the south. It therefore falls to be considered against policies AREA14 and AREA15 of the Local Plan together with the National Planning Policy Framework. The building is existing and is located on a flat open section of the beach. The proposed container would be sited to the rear into the dunes and would unnecessarily require excavation and removal of vegetation. The disruption to habitat would not accord with policies GEN29 or DEV35 of Arun District Local Plan. Whilst the development would not directly impact on the Climping Beach SSSI it would inhibit the natural roll back of the dunes, and the scrub removal would result in the loss of a feature which offers protection to the sand dunes. Alternatives to this scheme therefore require consideration. The position of the proposed container could be amended to a less destructive position to the side or front of the premises, though issues of impact on visual amenity would require consideration.

VISUAL AMENITY AND CHARACTER OF THE AREA:
The existing building is flat roofed with black timber stained elevations and painted brickwork. A timber clad extension to the rear to match the existing elevations and visually integrate the building with the cafe was approved under reference LU/99/11. This extension comprised container storage and 2 toilets. This current application seeks to increase the size of the area of extensions to the rear by an outward projecting rectangular area of 2.4m depth and 3.7metres length. The additional metal containers would be enclosed by a new timber framed fence with mesh infills. This would not visually integrate the structures with the existing cafe on the site and would unacceptably extend the area of development to the detriment of the visual amenities of the locality. The mesh fencing would not suitably screen the development and would intself detract from the appearance of the building and the area generally.

CONCLUSION:
The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

FOR REFUSAL
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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the

recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no negative 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).

RECOMMENDATION

REFUSE

1 The proposed structures because of their size, siting and design, would affect adversely the visual amenities of the locality in that they would be obtrusive in the landscape in conflict with policies GEN7 and DEV35 of the Arun District Local Plan.

2 The proposal would be harmful to the retention and conservation of a priority sand dune habitat. No evidence has been submitted in support of the application to justify the position of the structures. Alternative locations have not been considered and the proposal therefore conflicts with policies AREA15 and GEN29 of the Arun District Local Plan.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.