

Recommendation Report for Planning Permission

REF NO: LU/149/22/PL

LOCATION: The Beach, Former Promenade Shelter
Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Cover to existing roof terrace and first floor extension to provide toilets and store.
This site is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves the addition of a pergola style structure to cover approximately two-thirds of the existing roof terrace at first floor level, constructed with an aluminium frame, cladding and sliding glass doors. It measures 5.3m by 17.7m with a height of 2.7m (6.3m above ground level). In addition, a small first floor extension is proposed to provide additional toilet facilities and storage at the eastern end of the terrace which would be 6.7m by 5.5m with a height above ground level of 6.4m constructed of boarded cladding to match the rest of the building.
SITE CHARACTERISTICS	The existing timber clad building has an open roof area enclosed by screening. A timber kiosk area has already been installed on the roof. The building is in use as water sports centre and coffee shop.
CHARACTER OF LOCALITY	The area is coastal in character with no neighbouring structures other than a seawall to the east along the edge of the promenade and beach huts to the west. Skateboard ramps and sewage works opposite (north) of the site. Littlehampton Swimming and Sports Centre and residential flats to the north-east of the site. The sailing club accesses the beach to the east of the site.

RELEVANT SITE HISTORY

LU/115/21/NMA	Non-material amendment following grant of LU/307/17/PL for change of exterior material from render to cedar boarding to match remainder of building, removal of raised light boxes at first floor terrace level and removal of external picnic table bench seating to be replaced with loose tables and chairs.	Approve 21-04-21
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LU/96/21/PL	Kite surf school equipment store and office in connection with existing kite cafe and surf school. This application is in CIL Zone 5 (Zero Rated) as other development.	ApproveConditionally 20-05-21
LU/329/19/NMA	Non material amendment following the grant of LU/307/17/PL to increase building width & depth by circa 190mm, move building 1m in westerly direction & minor adjustments to fenestration/hatches.	Approve 18-11-19
LU/307/17/PL	Demolition of promenade shelter & construction of cafe & kite surfing school with roof terrace & associated works	ApproveConditionally 13-12-17

REPRESENTATIONS

Littlehampton Town Council - No Objection.

Two Objections:

- The original proposal was for an attractive building of a reasonable size. The later application to add two wooden-clad shipping containers, doubled the footprint and made it look shoddy.
- The addition of a first-floor extension will make this 'blot on the landscape' look even worse.
- It is out of keeping with an otherwise undeveloped area of promenade.
- These extensions should have been incorporated in the original planning application.
- The building encroaches on the promenade,
- A bin store encroaches onto the prom and wooden sheds have been erected without permission.
- A-boards are placed on the prom, narrowing it, making it difficult for pedestrians, to safely navigate.
- Congestion is regularly caused by vehicles being parked on the promenade by The Beach.
- Vehicles also park on the double yellow lines when stopping to buy from the kiosk.

COMMENTS ON REPRESENTATIONS RECEIVED:

Only the items submitted within the application can be considered. Parking issues, display of signage, narrowing of footway and incursion on promenade are not part of the application and are not impacted by the proposal. Other matters are discussed in the conclusion section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objections.

The applicant should note requirements of food hygiene regulations.

Environment Agency - Awaited.

Drainage Engineers - No Objection.

Marine Management Organisation - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Class B road
Flood Zone 3

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
WDM2	W DM2 Flood Risk
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TOUDM1	TOU DM1 Tourism related development
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 2](#) A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

The relevant policies in Littlehampton Neighbourhood Plan have been considered.

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 comply with relevant Development Plan policies in that there would be no materially adverse effect on visual or residential amenity or flooding.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policy considerations in the determination of this application are considered to be Arun Local Plan policies TOU SP1 and TOU DM1 of the Arun Local Plan (ALP) 2011 - 2031.

In this particular case since the proposal relates to enhancement of the facilities at an existing tourist and sport activity centre and coffee shop the principle is acceptable. The proposal is compliant with policy 1A of the Littlehampton Neighbourhood Plan (LUNP) as there are no policies in that plan that the proposal does not accord with. This application relates to the provision of additional facilities within the existing Kite Surfing Centre /coffee shop which has been operating for some time. The use has consent year-round. This proposal only relates to the addition of structures on the roof. The use of the roof was approved at the time of the original planning approval and cannot be considered as part of this proposal.

Policy 2 of the LUNP seeks to focus future economic and community related development within the BUAB of Littlehampton. The proposal seeks to expand existing facilities and is therefore not in conflict with this policy.

For the reasons set out below the principle of expansion of the roof facility to include use in inclement weather is acceptable in accordance with policy C SP1(f) and Policy 1 of the LUNP. The proposal would increase the use of the premises by tourists and visitors and tourism policies are also relevant.

VISUAL AMENITY

Arun Local Plan Policy D DM1 lists a series of 15 factors that development must comply with. These include character, impact and public realm. With reference to character the policy requires proposals to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

Arun Local Plan Policy D SP1 requires that development proposals should reflect the characteristics of the local area in terms of its character and design.

Policy D DM4 requires extensions or alterations to buildings to sympathetically relate to and be visually integrated with, the existing building in siting, massing, design, form, scale and materials. Furthermore, the extension or alteration should be visually subservient to the main building and provide a high standard of amenity.

The existing building is located in a prominent position on the seafront on the edge of the promenade. The extended structure would be higher (approx. 1.5m), but the footprint is unaltered and from a distance the increased bulk of the building would not be readily perceptible given the presence of ducting and balustrading in the roof area already and that the pergola structure is set in within the roof area. The extensions are split into separate structures and not constructed together as a single element and are different in height and materials which also assists in reducing their visual impact.

The proposal would be visually integrated with the existing building in terms of its design size and use of materials. The pergola is recessed from the building elevations and set behind the balustrading reducing its prominence. The use of glass and pergola style to the enclosed seating area would give it a light weight, translucent appearance and it would therefore accord with the requirements of policy D DM4 in that the extension would be visually integrated and subservient to the existing building which would still appear as a single structure with ancillary first floor use.

The proposed cladding materials to the eastern end of the roof include timber to match the existing building and the extension would enclose and screen the existing steel ducting which is prominent and visually unattractive. The proposed materials and shape of the storage area would reflect the angular configuration of the existing building reducing the visual impact of the extension by assimilating it into the existing building.

Guidance within Section 12 of the National Planning Policy Framework states that good design is a key aspect of sustainable development (paragraph 126) and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 130).

Part L of Arun Design Guide refers to the use a palette of materials and incorporation of details which are simple, robust and in keeping with local design vernacular. The proposal accords with this guidance.

It is therefore considered that the proposal would not adversely impact on the character of the area in compliance with policy D DM1 (1) and D SP1 of the ALP and the National Planning Policy Framework.

TOURISM

The use of the premises is established and is used by residents and visitors. The proposed layout offers greater flexibility and an opportunity to use the premises more in the winter and on wet days.

Policy TOU SP1 'Sustainable tourism and the visitor economy' states that the Council will encourage sustainable tourism development where it protects as well as promotes the main tourism assets of the waterfronts - the coast, rivers and estuaries and policy TOU DM1 'Tourism related development' confirms that proposals for development, including expansion, which are likely to attract visitors (such as leisure or cultural facilities) will be supported provided that they are in accessible locations and achieve good design.

As discussed above the proposal does achieve good design as required by policy TOU DM1(1). Part 2 of policy TOU DM1 refers to development outside the built-up area boundary and states that proposals will generally be expected to be small in scale. In all cases development in the countryside should

demonstrate that it is required and is compatible with its countryside location and is sensitively designed to minimise its impact. The principle of an expanded tourism facility in this location is supported.

EMPLOYMENT

It is not anticipated the number of staff at the premises would be altered by the proposal. It is possible the viability of the use would increase, particularly in winter months, with the proposed enhanced facilities allowing the business to meet future demand by facilitating growth and potentially increasing employment.

Policy EMP SP1 promotes the sustainable growth of the district's economy and seeks to support job creation and increase the attractiveness of the District as a business location and support the economic development of the coastal market area. This includes protecting and enhancing existing and allocated employment sites and premises.

Policy EMP DM1 supports the enhancement and expansion of existing employment premises and sites "in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy." The policy confirms that economic growth on sites located outside the built-up area boundary will be granted planning permission subject to criteria that includes that it be appropriately designed and have an acceptable impact on the local highway.

The principle of enhancing and improving the facility available is supported by these policies.

In planning policy terms, the countryside policies of the National Planning Policy Framework are applicable. In this respect paragraph 84 of the Framework sets out the Government's support for providing a prosperous rural economy. It states that "planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as meeting places, and open space."

PARKING AND HIGHWAY SAFETY

The planning application would not provide any car parking within the site and there is none available to the existing premises, but there is lay by parking and a public car park opposite the site. The demand for car parking is not increased by the proposal as no additional floor area is being created. The site is sustainably located, indeed a lot of the visitors to the premises arrive on foot or cycle. The proposal is therefore compliant with policy T SP1 (a), (b) and (f) of the Local Plan.

Paragraph 110 of the NPPF confirms that the main considerations in transport terms when determining specific planning applications is that proposals should ensure safe and suitable access to the site can be achieved for all users and that significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. The proposal provides safe access for all users.

FLOODING & SURFACE WATER DRAINAGE

Arun Local Plan Policy W DM2 seeks to limit development in areas at risk of flooding and W DM3 discusses the need for sustainable urban drainage systems.

The site is located within Flood Zone 3 and as such is in an area at the highest risk from flooding and needs to be considered in relation to policy W DM2 of Arun Local Plan. The proposal is accompanied by

a Flood Risk Assessment. The site occupies an elevated position above sea level forming part of the promenade. The risk is predominantly tidal and there are flood defence features along the seafront. On the basis that the proposed extension is non-residential and the footprint of the development is less than 250 square metres a sequential test is not required. Due to the low vulnerability of the use and being partially water compatible the existing building was considered to be suitably located and the extension although located on a building within Flood Zone 3 would accord with policy W DM2. The current proposals relate to an existing building and to works at first floor level and do not result in an increase to flood risk. Therefore parts (a) and (b) of the policy are addressed. The proposal does include wider community benefits in respect of being an approved tourist and visitor facility part (c).

In terms of drainage, the proposals result in an increase in toilet facilities on site and will connect to the mains sewer in the usual way. Surface water run-off will continue to be dealt with by the existing soakaways, which is considered acceptable on the basis that the proposals will not result in any additional surface water run-off, covering an area within the existing building footprint. The Council's Drainage Engineer does not raise any objection to the scheme and the proposal would therefore also accord with policy W DM3.

RESIDENTIAL AMENITY

The proposed extension would result in a structure that is no closer to the nearest residential properties than the existing buildings.

The existing use has no planning restrictions relating to the hours of use and given its distance from the nearest residential areas it is not considered to impact upon private amenity. The noise and activity associated with the first-floor area would not result in a significant increase, particularly given that noise from the first-floor area would be more enclosed. There would be no materially adverse impact on adjacent properties by reason noise or disturbance and the proposal is compliant with policy D DM1 of ALP.

IMPACT ON MARINE ENVIRONMENT

The building is located on the top part of the beach shingle area adjacent to the promenade. It is necessary to consider the impact of the proposal on the marine environment and the relevant policy consideration is the South Inshore and Offshore Marine Plan. Policy S-TR-1 states 'proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported'.

Policy S-TR-2 'Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts on tourism and recreation activities'.

Policy SCP-1 refers to Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate
- d) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area and its significance.

The proposal involves no development on the foreshore. The development is on the existing roof top. The proposal would not adversely impact on the marine environment or affect the landscape. The scale and design of the development is acceptable, and it would be readily assimilated into the approved

building. The proposal therefore accords with these policies.

CONCLUSION

It is therefore considered that the proposal complies with the development plan it meets the policy requirements of policies EMP SP1, EMP DM1, TOU DM1, D SP1, D DM4 and T SP1 of Arun Local Plan, the relevant sections of the Littlehampton Neighbourhood Plan and the National Planning Policy Framework.

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

Location and Block Plans CND12_SK02 rev A

Proposed Floor Plans, Elevations, Roof Plan 3D Images CND12_SK01 revA.

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

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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 National Planning Policy Framework.
- 4 INFORMATIVE: The applicant should note that to comply with food hygiene regulations there must be adequate separation between WC rooms and rooms used to store or prepare food. Rooms used for open food preparation will also require adequate hand washing facilities and drainage as well as being generally suitable for the storage or preparation of food depending on what purpose the new room is to be used for. Further advice can be given to the business, for example, on the internal layout of the food premises. If the applicant would like further advice please contact the Environmental Health Service on (01903) 737755 <https://www.arun.gov.uk/food-premises-registration>.