PLANNING APPLICATION REPORT

REF NO: **LU/189/10/**

LOCATION: East Beach Cafe
The Promenade
Sea Road Littlehampton

PROPOSAL: Erection of 2no. lamp posts with lights to replace existing pavement lights

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application proposals relate to the retention of 2no. lamp posts (indicted as A and B) with lights that have replaced existing pavements lights (retrospective application) in relation to the East Beach Cafe situated along the seafront promenade in Littlehampton.The lights are to be used after dark. Both posts are constructed of steel and have been painted white.

Lampost A is situated approximately 10 metre's to the east of the cafe along the seafront promenade. The post is 6m high and contain 2 lights; one directional floodlight (DecoFlood MVF606 1xCDM-T150W/830 WB) to illuminate the front of the cafe (south elevation) and the second, a downlighter (Decoflood MVF616 1xCDM-TD150W/830 A60) to illuminate a public staircase. The post is situated approximately 7 metres to west of an existing street light incorporating a decorative curve with drop light.

Lampost B is situated approximately 20 metres to west of the cafe, set back from the building line of the cafe south elevation building line by approximately 12 metres. The post is sited approximately 1.3m to the south of the green/yellow upright of entrance barrier to car. The post is also 6m in height and contains 3 directional floodlights (DecoFlood MVF606 1xCDM-T150W/830 WB). Two of the lights illuminate the front and end of the cafe (south and east elevations). The third light will illuminate the rear of the cafe (north elevation).

The applicant indicates the lights will illuminate the cafe and the public staircase adjoining. The applicant also indicates the lights are adjustable and the aim can be altered to meet the Councils requirements. The supporting information indicates the original design of the cafe building incorporated seven lights sunk into the paving abutting the rear (north) and end (east) elevations. The

	applicant indicates the lights suffered constant damage and needed regular replacement (at £120 each). The shutter on the west elevation was also damaged following at attempted burglary. The proposed scheme is to illuminate the attractive rear elevation as well as the other elevations and reduce the likelihood of further vandalism and burglary.
SITE AREA	0.1 hectare
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The East Beach Cafe is a large rectangular building with external steel cladding situated along the promenade. The promenade contains a regular rhythm of street lights incorporating high quality decorative curves with drop light that illuminate the promenade for all users.
CHARACTER OF LOCALITY	Promenade adjacent to Littlehampton Sea Front with East Green Car Park situated north side.Residential properties properties in South Terrace and Beach Crescent to north.

RELEVANT SITE HISTORY

LU/190/96	Covered way and part timber cladding	Approve Cond 09-10-1996
LU/56/99/	A wooden beach deck to provide seating and a wind break for use by the general public.	Approve 04-06-1999
LU/205/01/	To upgrade from a Class A1 to a Class A3 usage	Approve 04-09-2001
LU/441/03/	Demolish kiosk & construct cafe/kiosk/shop/stores.	Withdrawn 23-12-2003
LU/81/04/	Demolish kiosk and construct cafe/kiosk/shop/stores.	Approve Cond 02-06-2004
LU/284/05/	A new cafe to replace an existing kiosk on the seafront at Littlehampton.	Approve Cond 24-11-2005
LU/427/76	Proposed new kiosk on site of existing kiosk	Approve Cond 13-01-1977

LU/1/07/	Permission for continuance of use without compliance with condition no. 4 imposed under planning reference no. LU/284/05 relating to change of opening hours from 08.00 until 22.00 hrs to 08.00 until 23.30 hrs.	Approve Cond 22-02-2007
LU/309/07/	Erection of 3 stores/bin stores.	Approve Cond 29-11-2007
LU/182/09/A	1 No internally illuminated pole mounted sign & 1 No. internally illuminated window graphic sign	Part Apprv/Ref 04-09-2009
LU/247/09/	Removal of existing benches and shelters on seafront promenade. Replacement with single bench structure from east Beach cafe to rear of concessions adjacent to Harbour Park (sited along southern boundary with existing dwarf wall). Erection of two new public shelter structures	Approve Cond 04-11-2009
LU/282/09/A	1no. externally illuminated pole mounted sign adjoining restaurant. Re-submission follwing LU/182/09/A	Refused 11-12-2009
LU/20/10/	Removal of existing benches and shelters on seafront promenade. Replacement with single bench structure from east Beach cafe to rear of concessions adjacent to Harbour Park (sited along southern boundary with existing dwarf wall). Erection of two new public shelter structures - Amendment to LU/247/09.	Approve Cond 03-03-2010
LU/163/84	Provision of 12" guage miniature railway with level crossings and one engine shed	Refused 27-06-1984

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Town Council - No objection

5 Objections have been raised on the basis of:

- The lights are intrusive, extremely bright, glaring and intrusive especially when walking along the promenade the river to Rustington with the upper lamp being positioned like a searchlight pointing at you directly - it not does not illuminate the building;
- lighting dominates the entire beach from the lighthouse/pier to East Beach Cafe itself.
- Lights pose a risk to public safety as flood lights can obscure eye vision of obstructions or other dangers along the promenade;
- Light design and appearance are out of keeping with existing lighting along the promenade;
- Lights were installed prior to planning approval;

- Light intrusion detracts from the enjoyment of using the promenade;
- Existing lighting along promenade is sufficient, need for the development has not been demonstrated;
- Floodlights illuminate areas far outside the land on which the East Beach Cafe stands and therefore do not comply with the Clean Neighbourhoods and Environment Act 2005 which requires that floodlighting does not fall outside the area on which the property stands nor cause nuisance to those outside that area;
- It is clear these lights are not intended to offer any advantage of extra safety to walkers along the promenade;
- Residents/tourists should not have to suffer the consequences of a private companies invasive use of public space;
- There must be an alternative way of providing lighting to the cafe.

Comments on Representations received:

- From the officer site visit, it was noted the floodlighting was relatively bright and partially obscured vision when walking along the promenade at sunset towards the cafe. The light spillage from the floodlights covered an area much greater then the East Beach Cafe primarily due to height, angle and type of illumination impacting on the appearance of the landscape. This spillage results in a significant difference in the public realm experience along the promenade where existing lighting along the parade is more subservient and downward facing incorporating a more traditional design. This impinges on the reasonable enjoyment of users of the promenade.
-The lights obscure pedestrian vision when travelling along the promenade which may lead to an inability of pedestrians to identify other obstructive dangers e.g. cyclists, street furniture present to detriment of public safety.
- The design and appearance of the floodlights do not relate to existing lighting along the promenade at a prominent and popular seafront location.
- There is provision within planning legislation for retrospective applications for development.
- The need for some form of external lighting is considered reasonable given the commercial use of the premises and associated operational activities.
- Compliance with The Clean Neighbourhoods and Environment Act 2005 is enforced separately from planning legislation relevant to the determination of this application.
- It is noted that the presence of the floodlights along promenade makes little or no contribution to the safety of walkers of the promenade and could potentially have an adverse impact on public safety.
- It is accepted inappropriate floodlighting can result in the invasive use of public space.
- No alternative development options for lighting of the cafe have been put forward by the applicant.

CONSULTATIONS

WSCC Local Development Divis.
Concessions Officer

Consultations responses received:

Maritime and Coastguard Association - objection, lights are a hazard and distract east view of Coastguard Station, especially when working with casualties. This was evidenced last Friday evening <27.07.10> when searching for a vessel taking on water, as it impaired our ability to see adequately. This could possibly result in a tradegy. MCA recommend removal or re-angling to the ground.

Environmental Health Officer - public complaints received that lighting at the premises shines horizontally along the promenade into the eyes of pedestrians contrary to The Institute of Lighting Engineers 'Guidance Notes For The Obstruction of Obtrusive Light'. In particular, glare

should be kept to a minimum by ensuring that the main beam angle of all lights directed toward any potential observer is maximum 70 degrees (from the vertical). Lighting equipment should be specifically designed to minimise the upward spread of light near to and above the horizontal. The applicant is requested to consult a professional lighting designer and provide appropriate details to demonstrate that the proposed exterior lighting meets the obtrusive light limitations recommended for Environmental Zone E2.

Arun District Council Foreshore Officer - Objection on the basis on the grounds of public nuisance and inaccurate information:

-The lights causes a dazzling nuisance to general promenade users especially due to shallow angle of depression and stand-off distance from cafe. This directs light into eyes of passers by 2 of the lights mounted to the pole at the eastern end of the building.

-More appropriate solution maybe to use downward pointing lights and situate them close to the cafe to minimise the interference or nuisance caused to other persons.

County Highways Authority - There would be no concerns with the positioning of these two pavement lights and commented a highways licence will be required.

Concessions Officer - awaited

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

PD Restriction
No Public Sewer
Adopted Local Plan

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN33	Light Pollution

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS23	Planning and Pollution Control

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity and public safety.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on public safety, the visual amenities of the locality and upon the established character of the surrounding area.

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

Background

The Arun District Council Foreshore Officer has indicated that:

"the issue of new lighting was first raised by the owners of the East Beach Cafe in October 2009. The primary reason given at the time was the vandalism of the existing cafe external prom lighters and the subsequent lack of lighting at the stairs (west side of the cafe) and the general pedestrian access (east side of the cafe). However, by January 2010 2no. lamp posts had been erected at some distance either side of the cafe with spot-type lights mounted on/near the top of the post. The spot lights are mounted at an angle of depression of approximately 10-15 degrees. The western lamp post arrangement has since been modified to include a down lighting lamp.

Following several verbal complaints from members of the public and the MCA regarding the 2 x new lamp posts to Foreshore staff and myself, a meeting was held with the proprietors of the East Beach Cafe on 27 January 2010. The issue of the new lighting causing a dazzling nuisance to general promenade users was discussed but not resolved. When asked why the external lighting had to be at such a shallow angle of depression (from the horizontal) Ms Wood explained that it prevented the (Cafe) internal lighting obscuring the customers views of the sea.

It is recognised that the cafe needs to deter vandals and that a part of this process maybe the illumination of the premises. However, it is not understood why this necessitates the lighting needs to be placed at such stand-off distance that is then necessary to direct the light into eyes of passers by 2 of the lights mounted to the pole at the eastern end of the building are directed towards the decking on the promenade and not the building.

The Littlehampton promenade has been a illuminated walkway (via promenade-mounted street lights) for many years, therefore, it is reasonable that members of the pubic may wish to use this facility after the hours of darkness, without hindrance. A better solution might be to use downward pointing lights, similar to one of lamps at the west end of the Cafe and illustrated within the application, if it needs to be sited closer to the cafe, which would then minimise the interference or nuisance caused to other persons".

Light Pollution

The primary local plan policy applicable to this development is GEN33 'Light Pollution' which indicates planning permission will be granted for outdoor lighting schemes where, i) no adverse impact on neighbouring uses or the wider landscape, ii) light levels being the minimum required

for security and working purposes; and, iii) minimising the potential glare and spillage:

From the site visit, it was noted the floodlighting was relatively bright and covered an area much larger then the East Beach Cafe primarily due to the position, height, angle and type of illumination impacting on the appearance of the landscape. This spillage results in a significant obtrusive impact on the public realm experience and impinges of the quality of environment along the promenade where existing lighting along the parade is more subservient and downward facing limiting its impact on the seafront landscape and maintaining the environmental quality of the area. The floodlighting has an adverse impact on the landscape contrary to criteria (i) of the policy GEN33.

The light levels being emitted whilst not excessive in terms of lumens/wattage, when coupled with their positioning on posts at relatively long distance either side of the cafe with lights mounted on/near the top of the posts at angles of depression of approximately 10-15 degrees with strong horizontal emphasis, results in the appearance of excessively bright light level on the street scene which appear far beyond what is reasonably considered necessary for security and working purposes of the cafe contrary to criterion (ii) of the policy GEN33.

The position, height, angle and type of illumination results in the floodlighting shining horizontally along the promenade into the eyes of pedestrians and users of promenade and the wider seafront landscape which creates an unacceptable visual distraction to the detriment of highway safety. The Councils Environmental Health Officer has objected to the floodlights and commented the floodlighting implementation should be considered in accordance with The Institute of Lighting Engineers 'Guidance Notes For The Obstruction of Obtrusive Light' which indicates glare should be kept to a minimum by ensuring that the main beam angle of all lights directed toward any potential observer is a maximum 70 degrees (from the vertical). Lighting equipment should be specifically designed to minimise the upward spread of light near to and above the horizontal. In this instance, the applicant has failed to minimise the potential glare and spillage from the floodlighting contrary to criterion (iii) of the policy and furthermore fails the overall tests set out in Arun Local Plan Policy GEN33 'Light Pollution'.

Impact on public safety

The Maritime and Coastguard Association has raised an objection to the scheme on the basis the lights are are a safety hazard, creating a visual obstruction that could impinge upon their rescue operations. Furthermore, the floodlights also obscure the vision of users of promenade when approaching the East Beach Cafe at night which may lead to an inability of highway users to identify other obstructive dangers e.g. cyclists, street furniture present to detriment of public safety. Criteria (vii) of Local Plan Policy GEN7 'The Form of New Development' indicates development should allow for the safe movement of pedestrians and vehicles. In this instance, it is considered that the proposed development would be detrimental to public safety contrary to Local Plan Policy GEN7.

Design and Appearance

The existing lighting along the promenade comprises a regular rhythm of street lights incorporating high quality decorative curves with traditional drop lights that illuminate the promenade for all users. The lights are finished in white and positioned in such a way along the promenade they contribute to visual quality of the street scene composition and character of the

area whereas the design and appearance of the proposed floodlights comprising a modern 'spotlight' type design and black colour finish that do not integrate with the existing lighting at a prominent and popular seafront location. Furthermore, the installation of the poles disrupts the existing rhythm of lighting along the streetscene adding to the street clutter within the location to the detriment of the visual amenity of the street scene with floodlights that do not relate sympathetically in design and form with the existing lights along the promenade and do not harmonise with the surrounding built form.

Other matters

The applicant in the application documentation has indicated the angle of the proposed floodlighting can be changed to the meet the Councils requirements however in the absence of any supporting appropriate lighting assessment for consideration, it has not been demonstrated whether such an approach would overcome the adverse impact on light pollution and public safety within the locality.

It is also noted if these proposals were permitted, the Local Planning Authority would find it difficult to resist similar proposals within the vicinity which could harm the visual amenities of the local environment.

Conclusion

The proposal is not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on public safety, the visual amenities of the locality and upon the established character of the surrounding area and therefore refusal is recommended for the following reasons:

RECOMMENDATION

REFUSE

1 The floodlights are unacceptable in that it they do not relate sympathetically in design and form with the existing character of the locality comprising street lighting of high quality traditional design within an established pattern of development thereby forming obtrusive and incongrous features that disrupt the existing rthym of development with a prominent seafront location to the detriment of the visual amenities of the environment contrary to policy GEN7 of the Arun District Local Plan and guidance contained with Planning Policy Statement 1: Delivering Sustainable Development.

2 The development generates unacceptable levels of obtrusive light within a prominent seafront location that impinges upon the operation of the Maritime and Coastguard Association Rescue Services in seeking to visually identify the location of vessels from the Littlehampton Coast Guard Station when out at sea to the detriment of public safety contrary to policies GEN7, GEN33 of the Arun District Local Plan and guidance contained within Planning Policy Statement 23: Planning and Pollution Control.

3 The floodlighting installation, by virtue of its excessive light spillage at a prominent seafront location, is visually intrusive and out of keeping and detrimental to the character and appearance of the prominent seafront landscape contrary to policies GEN7, GEN33

of Arun District Local Plan and guidance contained with Planning Policy Statement: Delivering Sustainable Development and Planning Policy Statement 23: Planning and Pollution Control.

4 The floodlighting installation, by virtue of its excessive light spillage across the pedestrian highway outside the application site, constitutes a serious visual distraction and nuisance that adds to the hazards of highway users to an unacceptable degree and interrupts the free flow of pedestrain traffic to the detriment of public safety contrary to policies GEN7, GEN33 of Arun District Local Plan and guidance contained within Planning Policy Guidance Note 13: Transport and Planning Policy Statement 23: Planning and Pollution Control.

5 If this proposal were permitted, the Local Planning Authority would find it difficult to resist similar proposals in the vicinity, the cumlative effect of which would be to alter the character of the locality to the serious detriment of the amenities and environment contrary to policy GEN7 of the Arun Local Plan and guidance contained with Planning Policy Statement 1:Delivering Sustainable Development.