Recommendation Report for Planning Permission

REF NO: **LU/190/15/PL**

LOCATION: 46 Pier Road
Littlehampton

PROPOSAL: Change of use of first floor rest area to restaurant & alterations to rear (amendments to LU/138/14/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The application relates to internal conversion works to create an extension of the first floor restaurant area of approximately 10 sq m and a change in the layout of the staff rest area and toilet facilities. A ground floor extension has also been made to the rear. The external staircase is being enclosed on the northern boundary by a flat roofed extension which is 3.3m in height and 4.5m in length. Currently the number of covers amount to about 40, the proposal seeks to increase this by about 20. Following the earlier application the frontage proposals have been amended to allow part of the front to be opened up in the summer to allow clear views to the West. Glass guarding is proposed at first floor level similar to the adjoining property.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The rear of the site is enclosed with approximately 1.8 metre high timber fencing. The front of the building faces directly onto the pavement serving Pier Road.
SITE CHARACTERISTICS	The site is occupied by an end-of-terrace two-storey building that houses a restaurant at ground and first floor level with storage in the roof space above. There is a shop front installed at ground floor level to the front with

	weatherboarding above. External finishes on the remainder of the elevation walls consist of a mixture of brick and render. A number of flat roofed extensions have been made to the rear of the building. The use of the premises as a restaurant has commenced.
CHARACTER OF LOCALITY	The site is located within the built-up area on a road that borders the eastern bank of the river Arun. The eastern side of the road is lined by buildings, predominantly terraces, that face directly onto the pavement, producing a sense of intimacy. Buildings to the south house a mixture of residential, retail and cafe/restaurant uses whilst those to the north are generally in residential use.

RELEVANT SITE HISTORY

LU/20/12/	Installation of extraction unit & flue	Refused 06-06-2012
LU/173/12/	Retrospective planning permission for a flue extraction unit (Resubmission following LU/20/12/)	Refused 12-09-2012
LU/350/13/	Change of use of part of first floor from flat to restaurant. Single storey extension and roof re-modelling to rear.	Withdrawn 15-01-2014
LU/30/14/	Change of use of part of first floor from flat to restaurant. Single storey extension and roof re-modelling to rear - resubmission of LU/350/13	Refused 07-04-2014
LU/138/14/PL	Change of use of part of first floor from flat to restaurant. Single storey extension and roof re-modelling to rear. Resubmission following LU/30/14.	ApproveConditionally 26-06-2014

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection - Provided that the applicant has undertaken the acouistic report requested by Environmental Health and put in place any measures that might subsequently be required to reduce the impact of the noise created by these changes. It is noted that the works are retrospective and Members were dissatisfied and frustrated at the abuse of the planning system.

Comments on Representations received:

Noted. The proposals do accord with Environmental Health requirements

CONSULTATIONS

Environment Agency
Economic Regeneration
Engineering Services Manager
Engineers (Fluvial Flooding)
Environmental Health

Consultations responses received:

Environmental Health - No Objection. Satisfied that the additional information submitted by the agent should provide the necessary level of sound reduction to protect the amenity of the next door neighbours

Environment Agency - Refer to Flood Risk Standing Advice for minor extensions

Economic Regeneration - Fully support. It is pleasing to see a business that is investing in expansion to provide 50% more covers.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN32	Noise Pollution
	DEV26	Criteria for Retail Development
Publication Version of the Local Plan (October 2014):	D SP1	Design
	D DM1	Aspects of Form and Design Quality
	QE DM1	Noise Pollution
	RET DM1	Retail Development

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version

of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington and Yapton. There are no policies in Littlehampton Neighbourhood Plan specifically relating to this type of development.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact 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

The application is retrospective. The extension to the rear has been constructed. It is flat roofed and does not project significantly above boundary walling. It is not readily visible from outside the site and given the restaurant use of the ground floor of the adjoining property and the orientation of the plot it is not considered that it would have an overbearing impact on the rear amenity area of the adjoining property. The extension also replaces an external access staircase which

generated noise and activity adjacent to the boundary and afforded some overlooking and this has now been removed.

The extension of the first floor restaurant area is approximately 2m deeper adjacent to the northern boundary and will facilitate the provision of an additional 20 covers. Noise would previously have been generated in this area, but it would increase as a result of the additional seating capacity, which facilitates additional customer numbers adjacent to the party wall. With regard to the impact of noise on the residential amenities of the adjoining property, which is residential in use at first floor, it is considered given the information submitted as part of the application and the comments of the environmental health officer that this would not result in material harm. The use of the premises as a restaurant is existing and established with no limit on hours of operation and environmental have not sought to restrict the hours of operation of the premises further. However a condition is imposed to ensure that the development accords with the submitted noise details.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL
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) 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 neutral 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

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans 1501/01/09/B, 1501/01/02/E, 1501/01/04/F, 1501/01/05/G, 1501/01/06/F,

1501/01/07/H, 141501/01/08/F, 1501/01/10/C and 014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

2 The agreed details of the scheme for sound insulation which have been submitted as part of the application and are dated 12-08-2015 and 24-08-2015 and are hereby approved by the Local Planning Authority shall be installed in full accordance with the submitted details within 3 months of the date of this permission and shall be maintained and retained in an effective manner thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

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.