

LU/216/07

PLANNING APPLICATIONS REPORT

DESCRIPTION/ ADDRESS	- Change of use from public walkway to restaurant outside seating area and modification to existing outside seating terrace East Bank Visitor Centre Littlehampton
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	131 square metres approximately
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Flat
TREES	None affected
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Ground floor premises of East Bank Visitor Centre.
CHARACTER OF LOCALITY	Predominately residential. Riverside walkway and slipway. Lifeguard Station and commercial A3 premises (with outside seating) nearby

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
LU/70/00	Application under Regulation 3 of the Town & Country Planning General Regulations 1992 for visitor centre with residential accommodation	Approved Conditionally 08-11-2000

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Littlehampton Town Council	No objection
Harbourside East Management Limited	• Objection • Insufficient refuse provision in place • Flat owners brought flats with view of river and this will be impeded • Devalue properties • Increase in noise levels and litter • Foresee it will be our contractors who will clear up litter which is not acceptable
9 letters of objection	• Existing litter bad. Additional tables will exacerbate problem, both on walkway and in private garden areas, and will increase noise level and food smells • Loss of privacy and overlooking

LU/216/07

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	• Devalue properties • Already eyesore. Any business increase going to make situation worse • Currently using 2 bins hence one stored permanently outside which contravenes existing planning permission • Will change ambiance of area • Other change likely to be requested and set a precedent for similar development, such as Baltic Wharf • The Council keen to encourage competition and should not allow the Look and Sea centre to have monopoly • Lease of neighbouring residential properties does not allow occupiers to engage in noisome activities • May increase foot traffic • Already problem with swans visiting the tables

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environment Agency	No objection
County Highways	Awaited
District Environmental Health	This use took place last year and resulted in complaints from the neighbouring resident. The area is in close proximity to a residential patio. Whilst noise from the use during daytime hours is unlikely to reach nuisance levels (controlled under Environmental Health legislation), consider that it will adversely affect the amenity of the adjacent residential property. Therefore object to the proposal. The application should be refused because the proposed use is likely to result in unreasonable intrusion and loss of amenity of the adjacent residential premises.
District Regeneration	No objection
District Property Services	Awaited
District Foreshore Officer	Awaited

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: LOC1, DEV1, CH1, NE9, NE10, NE11, NE12 Arun District Local Plan: GEN7, GEN32, AREA23, DEV26, DEV34

PLANNING POLICY GUIDANCE

LU/216/07**PLANNING POLICY GUIDANCE**

PPS1: Delivering sustainable development
 PPS6: Planning for Town Centres
 PPG24: Planning and Noise
 Good Practice Guide on Planning for Tourism

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 noise disturbance.

COMMENT ON CONSULTATION RESPONSES

Noted. It is agreed that the proposal would result in noise disturbance to the detriment of the residential amenities of neighbouring properties, and it is recommended the application be refused for that reason.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. No condition to control bin storage was imposed on the original planning approval. The proposal may result in an increase in litter. However to resolve this, additional refuse provision can be insisted upon by way of planning condition (in the event of application being approved).

Content of the lease of neighbouring residential properties, commercial competition, devaluation of properties, and the loss of private view are not material planning considerations in the determination of this planning application. Public views or usage from the walkway are not considered impeded by the proposal. Each application is determined on its own merits. Therefore the proposal is not considered to set precedent.

The area is characterised as a busy public walkway with an active slipway and Lifeguard Station, and several other A3 commercial premises with outside seating in the vicinity. As such, the addition of a small area of decking onto an existing terrace is not considered to alter the predominate character of the area.

It is agreed that the proposal would result in noise disturbance to the detriment of the residential amenities of neighbouring properties, and it is recommended the application be refused for that reason.

ASSESSMENT OF PROPOSAL**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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the residential amenities of neighbouring properties by reason of resultant noise disturbance.

LU/216/07**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 aesthetic improvements to the existing seating terrace are considered of benefit to the visual amenities of the locality, and it is acknowledged the proposal would, in principle, add to the vitality and viability of this locality which is a local tourist attraction. Neither is the proposal considered to detrimentally affect use of the Littlehampton Riverside Walk.

Nevertheless, the impact of noise is a material consideration in the determination of this planning application. It is equally important that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses.

It is considered the extension of the existing seating terrace to near-abut the private residential amenity land of the adjoining flat occupiers (less than 1m is retained between the terrace as extended and the adjoining flat development), would result in unacceptable resultant noise disturbance and intrusion onto those occupiers.

Since it is intended to use the extended terrace throughout the opening hours of the commercial premises (and therefore the resultant disturbance would occur throughout the daytime), and that the Local Planning Authority did not believe it prudent to condition to restrict the hours of operation/usage of the existing terrace and premises, it is considered to impose such a condition on the current application would fail the conditions test as set out in Circular 11/98.

It is therefore recommended that the planning application should be refused, subject to the reasons set out overleaf.

LITTLEHAMPTON

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East Bank Visitor Centre
Littlehampton

RECOMMENDATION

Refuse

- 1 The proposal would have an unneighbourly impact on the residential amenities of the occupiers of the adjoining flats by reason of the resultant noise disturbance and intrusion, and therefore conflicts with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN32 of the Arun District Local Plan.



