

Recommendation Report for Planning Permission

REF NO: LU/240/19/PL

LOCATION: Littlehampton Trades And Labour Club
Wick Street
Littlehampton
BN17 7JH

PROPOSAL: Change of use of part of car park to a beer garden.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	The proposed Beer Garden is an area of approximately 10m by 7m located within the car park adjacent to a garage building. The submitted plans also show a kiosk located at the eastern end of the proposed beer garden. The beer garden would be enclosed by a brick and timber wall/fence. The intended hours of use are as follows; 11.00am to 9.00 pm weekdays 11.00am to 10.00pm on Saturdays 12.00am to 10.00pm on Sundays.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The car park within which the proposed development would be located is enclosed by buildings of the gardens of various properties.
CHARACTER OF LOCALITY	The car park is a hard surfaced area within an area of predominantly residential development. The club itself is located at the South East corner of the site.

RELEVANT SITE HISTORY

LU/687/81	Proposed Store	ApproveConditionally 20-01-82
LU/40/71	Lock Up Garage In Clubs Car Park	ApproveConditionally 08-03-71

No comments

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

No Objection

1 letter of objection - Concerned about increased noise from patrons as noise outside will carry more than it would from within the premises.

COMMENTS ON REPRESENTATIONS RECEIVED:

These are considered in the conclusions section.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Environmental Health:

The proposal involves creating a beer garden immediately adjacent to the rear garden of a number of local residents, with use proposed for a large part of the day and into the evening. I therefore have concerns about noise from the patrons causing a nuisance to nearby residents.

The application also shows a kiosk but there is no mention of what purpose this serves and whether it is related to the beer garden. If it is serving food, drinks or entertainment this will increase the noise levels in the garden and the potential for disturbance.

There is no information in the application on the number of people that will be permitted to use the garden and no information on how noise will be monitored or controlled and complaints from neighbours dealt with, particularly given that the site is not immediately to the rear of the club building.

Without this information I would be minded to object to the application on the basis of potential nuisance to nearby residential occupiers. However if the applicant is able to provide the additional information requested I would be happy to review this.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site: None

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable 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:

SPD3	Parking Standards
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2018, West Sussex County Council's Waste and Minerals Plans and the Littlehampton Neighbourhood Development Plan 2014.

The relevant policies in the Littlehampton Neighbourhood Plan have been taken into account.

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."

CONCLUSIONS

The key issues in this particular case are as follows;

- 1 - the positive benefits of the development
- 2 - the impact upon the level of car parking available
- 3 - the impact upon the visual appearance and character of the locality
- 4 - the impact upon residential amenity.

There is no covering letter in support of the application but it is clear that the proposal would provide the club with an external amenity space which it doesn't currently have. This would provide patrons with a place to sit outside and would be of an overall economic benefit to the Club.

In terms of the level of car parking available, whilst it is noted that the beer garden would reduce the

amount of land available for parking, the residual area left is still significant and therefore no concerns are raised on the grounds of parking.

In terms of the visual appearance of the development this area of the car park being used is very functional and utilitarian in its appearance. Therefore, overall there is no objection to the proposals on the grounds of visual impact. Furthermore, the proposed operational development doesn't harm the character of the locality. However, the proposed uses do give rise for concern.

The proposed beer garden is located just beyond the rear gardens of No.2 and 3 Malthouse Villas. These properties form a terrace of 4 homes, each of which has a relatively small rear garden which acts as their main external amenity area. The small size of the beer garden means that activity is going to be focused in a relatively small area and the potential for disturbance to the residential amenities of occupants of this terrace and other nearby properties is high, particularly from noise.

The proposed operating hours involve significant periods in the evening, particularly at the weekends. If ambient noise levels are low then the disturbance that might arise from the proposed use could be heightened. Also there is potential for sounds to be reflected by the number of solid walls in and around the car park, adding to the generally unacceptable impact.

There is also the prospect of lighting being required to allow the beer garden to be used to its full potential according to the proposed opening hours. This could give rise to further disturbance.

Overall, it is considered that the proposal would be significantly harmful to the residential amenity of nearby residents and as a result would conflict with policy QE SP1 of the Local Plan which relates to the general quality of the environment.

No noise assessment has been provided to accompany the application. The absence of this is contrary to policy QE DM1 (2) of the Local Plan and reinforces the objection in respect of policy QE SP1. Furthermore, no lighting details have been provided and as a consequence, given the intended opening hours, where lighting would be needed, the proposal is considered contrary to policy QE DM2.

On balance, the objections to the proposed development outweigh the benefits that might be derived, even allowing for potential mitigation by condition(s).

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). 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 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

REFUSE

- 1 The proposed development by reason of its location, intended use and hours of operation would if approved, cause significant harm through general disturbance, noise and light pollution to the residential amenities of the properties surrounding the car park, particularly those to the south and east, contrary to the aims and intentions of policies QE SP1, QE DM1 (2) and QE DM2 of the Arun Local Plan and policy 1 of the Littlehampton Neighbourhood Plan.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.