

Recommendation Report for Planning Permission

REF NO: LU/249/19/PL

LOCATION: 48 & 50 High Street
Littlehampton
BN17 5ED

PROPOSAL: Change of use of No 48 from Licenced Betting Office & Adult Gaming Centre (Sui Generis) to Retail (A1 Shops) & No 50 from Retail (A1 Shops) to Licenced Betting Office & Adult Gaming Centre (Sui Generis).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As Above.

Officers note that this application is only for the change of use of number 50 the High Street to a Licenced Betting Office & Adult Gaming Centre which is considered to be a sui-generis use and number 48 from a Licenced Betting Office & Adult Gaming Centre to A1 use.

The works proposed within number 50 are the erection of an internal partition wall and creation of lobby along with the removal of the existing retail counter at ground floor. The proposed works within number 48 are the removal of the internal partition walls and internal door, along with the removal of a graphic from one of the front windows at number 48.

TOPOGRAPHY Flat

TREES None affected by the proposed development.

BOUNDARY TREATMENT Numbers 48 and 50 the High Street Littlehampton are flanked by other adjoining commercial units (premises). Number 48, Cassino, is flanked by a former A3 Restaurant called Tropical (empty for some time) and a sui-generis bookmakers called William Hill. Number 50, formerly Bunce's Home Hardware is also flanked by the Former Tropical Gourmet restaurant and the former NatWest bank.

SITE CHARACTERISTICS Number 50 the High Street Littlehampton is an A1 retail unit (formerly Bunce's Home Hardware) while Number 48 High Street Littlehampton is a sui-generis Betting Office & Adult Gaming Centre (Cassino) within the Primary Shopping Area as indicated on the Arun Local Plan maps.

CHARACTER OF LOCALITY Predominantly retail with business with some flats above.

RELEVANT SITE HISTORY

LU/261/82	Reposition Existing Entrance Doors To Existing Retail Shop Premises	ApproveConditionally 06-07-82
LU/385/82	Alts To Windows - Replacement Of External Stairway With New Stairs & Gallery In New Positn - Erection Of 2m Tall Fence	Approve 29-09-82
LU/84/59	Alterations	Approve 12-06-59
LU/330/19/PL	New street doorway on west side of shop display window.	
LU/347/07/	Change of use of first floor of former cottage to self contained dwelling	ApproveConditionally 16-11-07

Planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

TOWN COUNCIL: Object:

- Number 50 is designated as a building of special character under Littlehampton Neighbourhood Policy 17. Application makes no reference to this designation.

- Having regard to Policy HER DM2 the relationship with the neighbouring property, number 52, also a Building of Special Character, should be considered.

- Impossible to judge impact of proposals as the plans are limited regarding details of the design of the shopfront of the building. (Policy RET DM1)

2 letters of neighbour comment have been received, 0 letters of support and 2 of objection (Officers also note the letter of objection from Littlehampton Heritage Group):

-Larger floorspace and more prominent location should be noted, given more prominent nature of the new frontage for the betting shop and adult gaming centre.

-Building of character.

-Widespread view that increased amount of floor space for betting and gaming in a prominent location is to detriment of Town Centre .

- Town in decline not one to be regenerated in an economic growth area.

- No details of new signage and display.

- Enough social issues in Littlehampton Town Centre.

- Encouraging more gambling leading to addiction and poverty.

LITTLEHAMPTON HERITAGE GROUP:

- Application omits that number 50 is a Building of Special Character.

- The relationship with number 52 should be considered.

- Policy RET DM1 states that provision should be made for a window display etc.

COMMENTS ON REPRESENTATIONS RECEIVED:

Officers note the objection that 50 is designated as a building of special character and the application makes no reference to this. Number 50 is a Locally Listed Building and the building is listed within the Buildings or Structures of Character Supplementary Planning Document Adopted September 2005. Number 50 falls within Criteria 2, 3 and 5. While adjoining building, number 52, falls within criteria 1, 2, 3, 4 and 5.

Criteria 1 is applied to buildings of outstanding design, detailing, appearance or special interest because of the use of materials.

Criteria 2 is applied to buildings which are extremely good examples of traditional or established style or unusual type.

Criteria 3 is applied to be buildings or structures which contribute towards the townscape or have important historical associations.

Criteria 4 is applied to buildings which are largely intact and not adversely affected by later extensions or alterations.

Criteria 5 is applied to buildings, which preferably, although not exclusively, should make a positive contribution to their surroundings.

Further assesment will be made in the Conclusions section below.

Officers note the objection from the Town council whereby they consider that it is impossible to judge impact of proposals as the plans are limited regarding details of the design of the shopfront of the building. From an assesment of the submitted statement the applicant points out that there will be no external changes to the buildings other than the signage being updated and the removal of the window covering at number 48 This application does not include the signage and a separate application would have to be submitted, if it hasn't already been, for determination under the Control of Advertisements regulations (as amended). Therefore, Officers consider that the impact of the proposals can be assessed based on the submitted plans and information.

Objections have been raised where Policy RET DM1 of the Arun Local Plan states that provision should be made for a window display. Criterion b of Part 2 of Policy RET DM1 states that provision should be made for a window display, appropriate to a shop front, which is in keeping with the shopping area. However, Officers note that the Policy makes reference to from change of use from A1 to A2 and A3 would be permitted provided that they follow criteria a-c of Part 2. That said the applicant points out, in the submitted Planning Statement that there will be no external changes to the buildings other than the signage being updated. As such, it is considered that the proposal would retain the existing shop windows. As aforementioned, any changes to the frontage would require a separate application. This application does not include the signage and a separate application would have to be submitted, if it hasn't already been, for determination under the Control of Advertisements regulations (as amended).

Objections have been received regarding the fact that a more prominent location (commercial property), with a larger floor space, is being converted to betting and gaming centre. Objection is also raised whereby encouraging more gambling would lead to further addiction and poverty. Officers note the increase size and prominence of property number 50 over the existing Casino business at number 48. However having regard to all relevant and up-to-date planning Policy Officers do not consider this to be a material planning consideration, such as to warrant refusal. There is other legislation in place to protect people from gambling and addiction e.g. the Gambling (Licensing and Advertising) Act.

SCHEME OF DELEGATION:

Major or Minor applications that end in the PL suffix and involve the creation of new dwellings or new commercial floorspace will be determined by the Council's Development Control Committee where a Parish/Town Council objects contrary to an officer recommendation to approve.

The application site is an existing commercial premises. Therefore notwithstanding the Town Council objection this application has been determined under delegated powers.

CONSULTATIONS

Economic Regeneration

Environmental Health

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTSL HEALTH: No objection or comments to make.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality

DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
WDM2	W DM2 Flood Risk
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character

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

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 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.

The relevant Policies of the Littlehampton Neighbourhood Development Plan would apply.

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 that the proposed development is not considered to have any significantly harmful impact upon the character of the locality, or the residential amenities of nearby dwellings.

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

PRINCIPLE

The proposal is located within a sustainable location (in that it is well served by local bus services and is located within a suburban centre or shopping parade with associated public parking, alongside other community facilities at a local centre) and therefore the proposal complies policy SD SP1, SD SP2 and HER DM2 of the Arun Local Plan. This is subject to accordance with policies RET SP1, RET DM1 and D DM1 of the Arun Local Plan and the relevant Policies of the Neighbourhood Development Plan which include policy 17 aimed at protecting Buildings of Character.

SUSTAINABILITY

Given that the application sites are situated within Littlehampton Town Centre and it is accessible by both bus and train, it is considered that the Town Centre is a sustainable location.

As such it is considered that the Proposals would comply with policies SD SP1 of the Arun Local Plan and 1 of the Arun Neighbourhood development plan.

DESIGN AND VISUAL AMENITY

The works proposed within number 50 are the erection of an internal partition wall and creation of lobby along with the removal of the existing retail counter at ground floor. The proposed works within number 48 are the removal of the internal partition walls and internal door. One of the windows in the shop front at number 48 is covered up with a graphic of sports equipment and the word bookmakers above. The Applicant has confirmed, on the amended plan, that they intend for this to be removed thus reinstating a useable display window.

Officers consider that the proposed works would not have a detrimental impact on the High street or wider Town Centre.

As such, it is considered that the proposals would comply with policy D DM1, D DM4 and D SP1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

Number 50 consists of a commercial unit (A1) at ground floor level with offices and a residential unit above. Number 48 consists of an adult gaming and betting office at ground floor, while it is not clear what use is currently at first floor level. The Council's Environmental Health Officer has commented on this application and does not object or have any comments to make.

Officers note that the applicant intends to have the following opening hours for number 50 (proposed adult gaming centre and betting office) :

09:00 to 21:00 hours - Monday to Saturday

10:00 - 18:00 hours Sunday and Bank Holidays

Officers consider, with regards to planning, that the above opening hours would be suitable considering that the application site is within the Town Centre. It is not considered that these opening hours would have a detrimental impact on the Town Centre with regard to the occupiers of any near by residential properties or the occupiers of any business premises. Additionally, it should be noted that should licencing have any issues with these opening hours they have separate powers under different legislation to refuse a licence or recommend that they seek to have more suitable opening hours.

No hours of opening have been given for number 48 as it would be up to any occupier of the resultant A1

premises to decide upon this.

Therefore, it is considered that should a detrimental level of noise arise from the proposed sui-generis adult gaming and betting office at number 50 or the change to A1 at number 48 it would be dealt with under all relevant environmental health noise legislation.

As such, it is considered that the proposal would comply with policies D DM1, D DM4 and Q EDM1 of the Arun Local Plan.

HERITAGE IMPACT ASSESSMENT

Number 50 is a non-designated heritage asset, and as such paragraphs 189-202 of the NPPF applies which requires LPAs to identify the particular significance of the heritage asset and consider the impact. Any harm to or loss on the significance of the heritage asset should require clear and convincing justification. In particular paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application and a balanced judgement should be made having regard to the scale of any harm or loss and the significance of the heritage asset.

Number 50, formally Bunce's Home Hardware, is a Locally listed building. Officers have noted the assessment Number 50 is a Locally Listed Building and that the building is listed within the Buildings or Structures of Character Supplementary Planning Document Adopted September 2005. Number 50 falls within Criteria 2, 3 and 5 as aforementioned in the Officers Comments on Reps section. Officers note the only work that is proposed under this application is the addition of an internal wall dividing the unit into 2, in order to separate the betting office and the gaming area. The application premises were previously used for A1 retail (Bunce's Home Hardware) and it is noted that within the shop there were display units and shelving other such A1 retail 'paraphernalia' The addition of an internal wall within the commercial premises is not considered to have a detrimental impact upon the heritage assets, known as number 50 High Street Littlehampton. Additionally, the proposal does not propose any external works it is considered that the proposal would not have a detrimental impact on any other Statutory or Locally Listed Buildings adjacent to or near number 50, such as number 52.

The proposal would relate sensitively to the building and its setting and respect its architectural, landscape or historic interest.

As such, it is considered that the proposals would comply with policies HER DM2 of the Arun Local Plan and 17 of the Littlehampton Neighbourhood Development Plan

RETAIL

Officers note that the proposal falls within the Primary Shopping Area as highlighted on the Arun Local Plan maps. Policy RET DM1 - Retail Development needs to be addressed. Having regard to this policy Officers note Part 2 - Town centre uses within primary and secondary shopping frontages where it states that changes of use away from A1 retail use will be permitted and subject to a criteria being met, including a viability statement, where the change of use is to professional services (Use Class A2) or food and drink (use Class A3).

Therefore, given that a betting and adult gaming centre use is not an A2 or A3 use but rather a sui generis use the proposal is in conformity with the requirements of part 2 of Policy RET DM1 of the Arun Local Plan.

Policy RET SP1 - Town Centres states that:

'Bognor Regis and Littlehampton will be the main focus for major retail, leisure, commercial, office,

tourism, cultural, community and residential development. The Council will positively welcome developments and initiatives aimed at the sustainable economic growth and social wellbeing of the town centres. Such developments will diversify customer choice, aid economic resilience, improve quality both in design and the range of facilities and enhance competitiveness.' The proposal will continue the role of the Littlehampton Town Centre as a focus for retail and leisure development.

As such, it is considered that the proposal would not conflict with Policy RET DM1 and comply with policy RET SP1 of the Arun Local Plan.

FLOODING AND FLOOD RISK

The application site falls within Flood Zone 2 while a small portion falls within Flood Zone 3 (Not a functional flood Plain). Having regard to the Environment Agency Flood risk Vulnerability classification officers consider that the application sites (both numbers 48 and 50) would comprise less than vulnerable development as such, having regard to the Guidance entitled: 'Review individual flood risk assessments: standing advice for local planning authorities' It is considered that the Environment Agency do not need to be consulted.

Following the advice within 'Review individual flood risk assessments: standing advice for local planning authorities' It is considered that the proposals are appropriate within both Flood zone 2 and 3. It is considered that the changes of use proposed would not have a detrimental impact with regard to Flooding or Flood risk. The change from A1 to adult gaming centre and betting office at number 50 would not have a significantly greater number of people visiting than the previous A1 retail use. The same is said of the change from adult gaming centre and betting office to A1 retail at number 48. As such it is considered that should flooding occur users of both premises could be rescued in the same manner as is accounted for should flooding have occurred prior to any grant of change of use.

Officers consider that the proposals would not have a detrimental impact on flooding or flood risk and the proposals would comply with policy W DM2 of the Arun Local Plan.

PARKING AND HIGHWAY SAFETY

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Officers note that the proposed changes of use would lead to an increase in the floorspace for the provision of adult gaming centre and betting office. Having regard to the WSCC parking guidance along with the number of car parks within Littlehampton which could be used, it is considered that there is sufficient parking to serve the proposals.

Additionally Littlehampton Town Centre is served by public transport whereby there are a number of bus stops and a railway station close to and within the Town Centre.

Therefore it is considered that the proposal would comply with policy TSP1 of the Arun Local Plan.

NEIGHBOURHOOD DEVELOPMENT PLAN

The following policies of the Littlehampton Neighbourhood Development Plan would apply:

Policy 1: The Presumption in Favour of Sustainable Development
 Policy 17: Buildings and Structures of Character

From the above assesment the proposal would comply with both Policy 1 and 17 of the Littlehampton Neighbourhood Development Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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:

LDC2656-PL-01 received on the 28/11/2019

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 The use hereby permitted shall be open to the public 09:00 to 21:00 hours - Monday to Saturday and 10:00 - 18:00 hours Sunday and Bank Holidays

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 and D DM1 of the Arun Local Plan.

- 4 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.