

Recommendation Report for Planning Permission

REF NO: LU/30/14/

LOCATION: Waterfront
46 Pier Road
Littlehampton West Sussex

PROPOSAL: 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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The restaurant will occupy a first floor area of approximately 30 square metres. This space is currently used as the lounge and part of a bedroom of the existing flat, which also has a bedroom at second floor level. The rear extension would infill a gap alongside the northern boundary where there is currently an external staircase which provides access to the flat. The existing sloped roofing on extensions to the rear of the building will be altered to a uniform height flat roof and a new external staircase will be installed, providing access to the roof top and a new form of access to the flat. A new shop front and opening at first floor in the front elevation is proposed.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None 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 floor level with a residential flat distributed over the first floor and roof space above. There is a shop front installed at ground floor level to the front with timber weatherboarding above. External finishes on the remainder of the elevation walls consist of a mixture of brick and render. A number of single-storey sloped roof extensions have been made to the rear of the building where there is also an external staircase which provides access to the flat.
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

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

One letter of objection

Staircase and dumb waiter would be adjacent to party wall. Concern regarding associated noise permeating living room and hallway.

Comments on Representations received:

Environmental Health support the concerns expressed by the neighbour in terms of noise.

CONSULTATIONS

Environmental Health

Southern Water Planning

Consultations responses received:

Southern Water - No Objection. Request an informative is attached to any approval

Environmental Health - There does not appear to be any provision of an extract ventilation system, as this is a cafe/restaurant an extract system will be required and the applicants should include this on their drawings and data information. The Food Safety Inspector advises that the current extract system discharges at low level and does not have any carbon filters.

The application also indicates proposed compressor/air handling unit. No information is provided in respect of potential impact of noise on nearby neighbours. In particular hours of use, noise power/sound levels and distance to sensitive receptors.

Comments on Consultation responses:

Comments noted. The need for an extract system has previously been brought to the agent's attention and remains outstanding.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7 GEN32 DEV26	The Form of New Development Noise Pollution Criteria for Retail Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1 Aspects of Form and Quality QE DM1 Noise Pollution RET DM1 Retail Development D DM4 Extensions & Alterations to Existing Buildings	

PLANNING POLICY GUIDANCE

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.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues

arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 proposed extensions will be concentrated towards the rear of the building and will therefore have a negligible visual presence within the street scene. The footprint of the building will not be increased to the extent that it would cause an unacceptable loss of amenity space to the rear of the building. It is therefore considered that the proposed works will not unacceptably impact upon the visual and spatial characteristics of the surrounding area.

The extensions and alterations are of single-storey height and will therefore maintain visual subservience towards the host building. The uniformity in design will ensure that a cluttered appearance does not arise and that the various extensions to the rear of the building visually integrate with each other.

The alterations to the front of the premises are now considered satisfactory as a result of discussions with the agent following withdrawal of application LU/350/13.

The rear access area has also been reduced in size to a level that is acceptable in terms of potential overlooking and impact on residential amenity.

Since the previous withdrawal the internal and external space standards in the Emerging Local Plan are being applied. The kitchen and lounge dimensions do not accord with the minimum floor area requirements and this together with the lack of adequate external space means the proposal is therefore contrary to policies DDM1 and DDM2 of

However the lack of information in respect of the proposed noise generation from equipment,

sound levels in relation to distance to sensitive receptors and provision of an appropriate extract ventilation system result in development that has not been proved to have an acceptable impact on the residential amenities of adjoining residential properties. The proposal is therefore contrary to policies GEN7, GEN32 and DEV26 of Arun District Local Plan and policies DDM1, QEDM1 and RETDM1 of the Emerging Local Plan.

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). 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 no negative 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

REFUSE

- 1 Having regard to the size of the rooms and lack of external space provision the conversion of the premises would give rise to an unsatisfactory environment for the occupiers in conflict with policy GEN7 of the Arun District Local plan and policies DDM2 & DDM3 of the Publication Version of the Emerging Arun District Local Plan (February 2014) and the National Planning Policy Framework.
- 2 Based on the limited information submitted with the application with regard to noise generation the Local Planning Authority is not satisfied that the development can be carried out without adversely affecting the residential amenities of adjoining properties in conflict with policies GEN7 and GEN32 of Arun District Local Plan and policies DDM1 and QEDM1 of the Emerging Local Plan.
- 3 The proposal makes no provision for the extraction of fumes and cooking odours and would therefore have an adverse impact on the residential amenities of adjoining

properties in conflict with policy DEV26 of Arun District Plan and policy RETDM1 of the Emerging Local Plan.

- 4 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 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.