

Recommendation Report for Planning Permission

REF NO: LU/367/17/PL

LOCATION: 51 Pier Road
Littlehampton
BN17 5LP

PROPOSAL: Change of use of first floor flat (C3 Dwelling House) to restaurant (A3 Food & Drink) & ground floor rear extension and alterations to front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal would increase the size of the existing restaurant by converting the first floor one bedroom flat and adding an extension to the kitchen at ground floor measuring 3m deep by 2.2m wide, 3m in height with a flat roof. The second floor and basement remain unaltered. Timber panelling is to be included to the first floor with rendered finish around the entrance door.
SITE AREA	164 sqm
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Premises is located on back edge of the footpath. Rear courtyard area is enclosed by 2m high fencing/walling.
SITE CHARACTERISTICS	The application site comprises a 4 storey premises with a restaurant at ground floor and residential on the upper floors. White painted ship lap walls and plain clay tile roof. There is a rear garden area and a garage to the rear. The site is generally flat and is located adjacent to the River Arun. The ground floor is already in use as a restaurant.
CHARACTER OF LOCALITY	The area is part of the established riverside parade of retail/restaurant uses comprising a uniform character of older style terraced properties of similar height abutting the highway with gardens/service areas to the rear.

RELEVANT SITE HISTORY

LU/171/83	Extension At Rear Forming New Kitchen	ApproveConditionally 18-05-83
LU/365/79	Double Garage At Rear Existing Garage Demolished And Erection Of Fire Escape	ApproveConditionally 22-08-79

REPORT(ODB)

refurbished. This should take the possibility of increased odour from the greater number of covers, to include take away trade into account, with suitable mitigation to be provided to protect the amenity. Any alteration to the fan/flue system is to provide equal, or better noise attenuation than the existing system, also in order to protect the amenity of nearby residents. Details of any such refurbishment to be provided to the planning authority for approval before commencement of works.

Engineers - No Objection subject to conditions.

Drainage - More detail of the drainage layout is required, it is suspected that the roof drainage is currently going into the foul. If it can be shown that the roof water is going into the surface line then there would be no objection; if not then some betterment should be provided and the roof/surface water should be removed from the foul.

Flood Risk - the site is currently within FZ2 & FZ3 but there is no FRA other than a copy of the EA's guidance sheet. Whilst the site is within the flood zones, the river has recently benefitted from a multimillion pound improvement scheme. None the less, a flood risk today still exists due to a very short section of riverbank upstream that has not been improved to the necessary condition. That section is some distance away from this site but due to the interconnected nature of the flood cell, there is a risk to the site. However, by the time this development would proceed the Environment Agency would most likely have resolved this issue (works are currently underway). It may be prudent to limit the start/occupation of the works until after the EA's current works are completed and the whole (EA) scheme formally 'signed off'.

Fenestration - the front ground floor window would seem to have a folding window arrangement that provides for a serving hatch onto the public highway. There is concern that one or more of the panes would project over the public highway and thus be a risk to members of the public going past the site. The window needs to wholly open inwards.

Economic Development - Support. Keen to see investment in the properties in Pier Road, particularly when they enhance the offer to both visitors and residents.

Environment Agency - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant requested conditions have been imposed.

The comment regarding customer numbers being restricted to 20 on the basis of toilet provision is noted. The agent has provided revised first floor plans including toilets at first floor level to address these concerns.

A Construction Management Plan is not considered to be necessary or reasonable given the size of the proposal.

The concerns raised by the Engineers are noted. The window on the front elevation is now annotated on the submitted plans and opens inwards with no encroachment on the pavement. The imposition of a condition relating to completion of the flood works along River Road would not be reasonable. The works are underway and due for completion within the next month. Further, the applicant has advised that the use of the first floor would not be undertaken straight away and the use would replace a more vulnerable residential use at first floor.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Flood Zone 2 and 3a

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN10	Tidal Flooding and Coastal Defence
GEN32	Noise Pollution
GEN34	Air Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality
D DM4 Extensions & Alterations to Existing Buildings
TOU SP1 Sustainable Tourism & The Visitor Economy
QE DM1 Noise Pollution
QE DM3 Air Pollution
W DM2 Flood Risk

<u>Littlehampton Neighbourhood Plan 2014 Policy 1</u>	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

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over

a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policy 1 'The Presumption in Favour of Sustainable Development' and Policy 2 'A Spatial Plan for the Town' are relevant to the consideration of this application.

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

PRINCIPLE

The site lies in an urban area where the principle of development is considered acceptable. The restaurant use on upper floors and extension to accommodate additional kitchen space at ground floor is considered acceptable subject to no adverse impact on amenity.

IMPACT ON CHARACTER OF THE AREA

The use of the first floor for restaurant purposes would be in keeping with other premises in Pier Road and the visitor/tourism use of the parade generally. The proposal alters the shop front, but retains the size of the openings. There would therefore be no adverse impact on the character of the area. The provision of timber panelling to the front elevation would replace the existing white cladding and would in keeping with the seaside location and other premises in the locality.

The extension to the rear of the premises is located adjacent to the side boundary, but is of limited proportions and replaces a partially enclosed part of the rear terrace. It would be constructed of materials to match the existing property and would not project significantly to the rear. Many buildings in this section of Pier Road comprise similar extensions/flues/outbuildings and the style and design of the extension proposed would not be out of keeping with the visual amenities of the locality.

RESIDENTIAL AMENITY

The impact on the residential amenities of neighbouring properties would be acceptable given the limited rearward projection of the extension of 2.9m, its flat roof design and that it replaces a partially enclosed terrace of similar proportions. It would not extend any further to the rear than the existing terrace therefore the neighbouring dwelling is not considered to be materially impacted by the extension by reason of adverse overbearing impacts. In addition there are no windows proposed in the side elevations of the extension and any future additional windows would require the submission of an application for planning permission.

The proposal would not result in any materially adverse impacts from noise or odour subject to imposition of the conditions requested by environmental health. The ground floor restaurant currently operates without any restrictions on the hours of operation and it would not therefore be reasonable to restrict the hours of opening to the upper floor of the premises at this time, particularly since a sound insulation condition has been suggested.

PARKING

No car parking is being provided as part of the proposal, but the site is sustainably located within the town centre close to bus routes and within walking distance of the railway station. It is also the case that the existing C3 use is subject to similar parking considerations.

FLOODING

The site is located in an area at high risk of flooding. The application is not accompanied by a Flood Risk Assessment (FRA) and the Environment Agency have no objection. Although a kitchen extension is proposed at ground floor, no change of use is included at ground floor and the residential use of the first floor is being removed. Habitable rooms are not acceptable at basement or ground floor level, but none are provided in this application. There would be no increase in the number of people at risk from flooding contrary to policy GEN10 of Arun District Local Plan, policy W DM2 of the emerging Local Plan and Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change. However the comments of the Council's Engineer are noted. The imposition of a condition relating to completion of the flood works along River Road would not be reasonable. The works are underway and due for completion within the next month. Further, the applicant has advised that the use of the first floor would not be undertaken straight away and the use would replace a more vulnerable residential use at first floor. .

CONCLUSION

The application is therefore 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 Location, Floor Plans as proposed 2108/01/03, Ground Floor Temporary Works Plan 110, Ground Floor Plan 2108/01/05, First Floor as Proposed 2108/01/06 dated 22-02-2018, Shop Front Visuals revA, Elevations as Proposed 2108/01/04.

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.

- 3 The materials and finishes of the external walls of the rear extension hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Prior to installation of the external cladding precise details shall be submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the details so approved.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The drainage serving the kitchen must be fitted with a grease trap/separator of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and waste water flow rate. Prior to the restaurant use of the first floor commencing the applicant shall provide the Local Planning Authority with details of their proposed grease trap/seperator in order to demonstrate design and installation will be in compliance with BS EN 1825-1:2004, & BS EN 1825-2:2004.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policy GEN7 (iv) and (v) of the Arun District Local Plan.

- 6 Prior to use of the first floor restaurant commencing precise details of the noise generated by the fan/flue system together with suitable mitigation shall be submitted to and approved by the Local Planning Authority. Any alteration to the fan/flue system is to provide equal, or better noise attenuation than the existing system, so as to protect the amenity of nearby residents. The development shall proceed in accordance with the details so approved.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policies GEN7 and GEN32 of Arun District Local Plan

- 7 Prior to restaurant use of the first floor commencing a suitable acoustic report shall be submitted to and approved by the Local Planning Authority. Noise Attenuation between the proposed seating area and neighbouring residential accommodation shall accord with guidance values provided within BS 8233: 2014, Guidance on Sound Insulation and Noise Reduction for Buildings. The development shall proceed in accordance with the details.

Reason: In order to safeguard the amenities of neighbouring properties, in accordance with policies GEN7 and GEN32 of Arun District Local Plan

- 8 Development shall not commence until full details of the proposed surface water drainage layout have been submitted to and approved in writing by the Local Planning Authority.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 9 **INFORMATIVE:**
The premises will require registration under the Food Safety Act 1990 and will need to comply with the standards contained in the relevant Food Hygiene Regulations prior to becoming operational. The applicant is advised to contact Carol Reynolds for further information.
Carol Reynolds, Senior Environmental Health Officer, Arun District Council | Location: Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF. External: +44 (0) 1903 737678 | E-mail: carol.reynolds@arun.gov.uk

- 10 **INFORMATIVE:** This consent does not purport or be deemed to grant consent for any advertisements which may require a separate application for advertisement consent.

- 11 **INFORMATIVE:**
We recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.

Please note that it is not our role to assess any details on flood evacuation or emergency plans, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions.

The PPG states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (PPG Ref ID: 7-057-20140306).

- 12 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.