

REPORT UPDATE

Application No: LU/67/18/PL

Reason for the Update / Changes

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Error in Report- The application report at paragraph 'pedestrian access' incorrectly refers to 2 tables and 6 chairs and should refer to 3 tables.

Consultation Response from Environmental Health - Objection. The pavement will be used between 08.00 and 23.00 hours. Using the outside area may give rise to additional noise from customers either sitting at the tables or others gathering around this area. There are residential flats directly above and opposite this location and there is the potential for noise from customers to become a nuisance.

The applicant states that toughened glassware will be used, but how will the the business enforce this as door staff are not provided for the majority of the trading hours? It will be difficult to monitor and control who goes outside and prevent people taking glasses outside.

There is already litter in the form of cigarette ends outside the premises and it is likely that with people gathering and drinking outside littering could increase. In addition, if plastic drinking vessels are used empty vessels not collected immediately could be blown off tables and add to littering in this area.

The addition of seats in this area could inhibit access along the pavement as the area is already commonly used to park mobility scooters and there are also bikes attached to the lamp post opposite the door.

Officers Comment:

There is currently noise generated from the premises at the entrance with patrons entering and leaving the site and this proposal would not materially increase noise or activity levels in this area. There are no planning controls to enforce the management measures referred to. County highways are satisfied that pedestrian access will not be unduly restricted.

The following additional condition is suggested to tackle litter.

The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.

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

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/67/18/PL

LOCATION:	14-18 Surrey Street Littlehampton BN17 5BG
PROPOSAL:	Change of use of part of public highway for external seating area at front comprising of 3 No. tables & 6 No. chairs. This application may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application relates to part of the public highway outside The George Inn Public House in the centre of Littlehampton. It is proposed to locate a small seating area serving the public house. This facility would be a small area comprising 3 tables and 6 chairs located on the southern side of the entrance to the premises. The furniture would project 1m from the front of the building.
	The area would be formed by locating temporary portable barriers of approximately 1m in height.
SITE AREA	9 sq m.
TOPOGRAPHY	Predominantly flat. Pavement is elevated above the level of the road.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Premises are located abutting the footpath.
SITE CHARACTERISTICS	2 storey mid terrace building with brick elevations and tiled roof. Ground floor in use as a public house.
CHARACTER OF LOCALITY	Town centre location generally with retail uses at ground floor and residential above.

RELEVANT SITE HISTORY

LU/251/07/	Proposed change of use to create pavement cafe along frontage (in part)	Refused 15-08-07
LU/127/06/	Construction of new smoking enclosure to comply with future smoking ban	Inc Docs Ret'nd 20-07-06

LU/251/07 was refused for the following reason:

"The use as proposed would result in an unacceptable intrusion onto a public area which would likely impede public access and cause a loss of residential amenity."

The application included 4 tables and 8 chairs and extended further along the site frontage than now currently proposed.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The proposal would narrow the available pavement space, adversely affecting the ability of pedestrians, especially wheel chair and mobility scooter users as well as those reliant on mobility aids, to safely and conveniently use the pavement.

It was noted that:

- The Highways Authority had yet to comment on the application.
- The plans presented with the application did not show the lamppost and highways sign at the front of the premises and the businesses along this stretch of Surrey Street which were also providing chairs and tables outside their premises.
- The proposal would add to congestion during busy periods and these factors should also be taken into account when assessing the application.
- There were serious concerns that given the nature of the business, the introduction of chairs and tables would encourage groups to congregate outside on the pavement, increasing noise and disturbance and potentially posing a threat to public safety.
- The business already had an outside terrace at the rear of the premises, the need for additional outside space is questioned particularly as Surrey Street is also the main thoroughfare through the Town.

7 Objections:

- Application severely restricts pavement width and makes access difficult for people with disabilities.
- Litter from smokers would increase.
- Number of tables could be increased and moved.
- Tables could provide ammunition for youths.
- Glasses could be left in the street increasing danger
- The paving slopes away from the pub entrance towards the road with which would make passing these tables with people more dangerous.
- Suggest that this is encouraging on street drinking and smoking which can be intimidating.

COMMENTS ON REPRESENTATIONS RECEIVED:

People stand outside the public house in the evening. However, in order to adequately protect residential amenity in the evenings it is proposed to limit the hours of use of the seating to ensure that there is no additional possible adverse impact on residential amenity in the evenings when the shopping area is closed and background noise levels are reduced.

Following concerns raised by County Highways the scheme was amended to reduce the number of tables and chairs to a level which allows for acceptable pedestrian access. A minimum gap of 2m would be retained as a pavement width as a result of the proposal which is an adequate width for wheelchair users. County Highways have raised no objection to the reduced scheme as the access width now meets the minimum footway width referred to in 'Manual for Streets'. This allows two wheelchairs to pass each other comfortably.

There is no reason why additional tables would result in additional litter and with servicing by pub staff this should not occur.

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

WSCC Strategic Planning
 WSCC Strategic Planning
 Environmental Health

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

The items placed within the public highway are not to be permanently fixed and are to be removable. This is to permit the maintenance of the public highway and to ensure that a permanent obstruction does not result. If Planning Consent is approved, a separate Licence agreement will be required to be entered into with the Highway Authority, WSCC.

Conservation Officer - No Objection. The proposal is acceptable in visual terms and reversible in nature.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Primary Shopping Frontage

Principal Shopping Area

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN32	Noise Pollution
AREA19	Primary Shopping Frontages
AREA2	Conservation Areas

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

SD SP2	Built-Up Area Boundary
RET SP1	Hierarchy of Centres
RET DM1	Retail Development
QE DM1	Noise Pollution
D DM1	Aspects of Form and Design Quality
D SP1	Design
HER DM3	Conservation Areas
HER SP1	The Historic Environment
T SP1	Transport and Development

[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

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 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.

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).

Policy1 and 2 of Littlehampton Neighbourhood Plan is considered relevant to 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 key policy consideration in the determination of this application is deemed to be GEN7 of the Arun District Local Plan. The application site falls within the principal shopping area. However, it is considered that policy AREA19 of the Arun District Local Plan would be not applicable to the determination of this application since it does not relate to a change of use of the premises.

IMPACT ON VIABILITY OF THE TOWN CENTRE

The creation of an outdoor seating area will enhance the vitality and viability of the town centre by providing additional seating. The National Planning Policy Framework (NPPF) seeks to ensure the vitality of town centres and local planning authorities should support existing business sectors. Paragraph 23 of the NPPF emphasises the underlying importance of recognising that town centres are at the heart of their communities and that their viability and vitality should be supported. Local Planning Authorities should be positive and promote competitive town centre environments. The proposal would contribute to the viability of the existing business and to the vitality of the town centre as a whole consistent with the approach encouraged by the NPPF.

VISUAL AMENITY

Given the limited scale of the seating area and lightweight nature of the furniture there would be little impact on visual amenity and the setting of the abutting Conservation Area. The seating area would be consistent with others in the nearby pedestrianized High Street.

It is intended to utilise seating, tables and barriers which would have a co-ordinated appearance and would therefore not amount to unacceptable design.

It is not considered that on this basis there would be unacceptable visual detriment.

RESIDENTIAL AMENITY

The impact by way of noise is a material consideration in the determination of this application. The proposal would generate additional noise, but given the limited number of seats it is not considered that this would result in material harm to residential amenity.

Noise is already generated from people exiting and entering the premises and noise is generated from this busy town centre location. However in order to reduce noise levels in the evening when the retail units are closed and background noise levels tend to decline it is proposed to restrict the use of the tables and chairs until 10pm daily.

PEDESTRIAN ACCESS

The application originally submitted comprised 4 tables and 8 chairs and reduced the pavement width to between 2.1m and 1.8m. Following advice from County Highways the proposal was amended to reduce

number of seats to 6 and the number of tables to 2. The pavement width retained is now 2.2m to 2m.

This accords with highways advice and the proposal will therefore not unacceptably impede access along the footpath in conflict with policy GEN7 of the Arun District Local Plan.

CONCLUSION

It is therefore considered that the seating area is acceptable and complies with policies GEN7 of the Adopted Arun District Local Plan, Policies 1 & 2 of the Littlehampton Neighbourhood Plan and Policies D DM1 and D DM4 in the Emerging Local Plan. The application 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:
Location 01C
Block 02B
Pavement Floor Plan 03B
Elevation 04B

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 use hereby permitted shall not be operated at any time between the hours of 2200hrs and 0800hrs the following day.

Reason: To safeguard the residential amenities of neighbouring residential accommodation in Surrey Street and surrounding area, and in the interests of crime prevention, in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 4 No tables/chairs/barriers and any other miscellaneous item associated with the use shall be placed on the land edged in red when the use hereby permitted is not in operation.

Reason: In the interests of the amenity, crime prevention, and character of the area in accordance with policies GEN7, GEN18 of the Arun District Local Plan.

- 5 No public address or other sound amplification system shall be installed or used on the land edged in red without the prior written consent of the Local Planning Authority.

Reason: To safeguard the residential amenities of neighbouring residential accommodation in accordance with policies GEN7 and GEN32 of the Arun District Local Plan.

- 6 The use hereby permitted shall not commence until provision has been made within and in the vicinity of the site for the disposal of litter resulting from the use, and such provision shall be in accordance with details agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan policy GEN7 and DEV26.

- 7 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.

- 8 INFORMATIVE: The applicant is advised to contact West Sussex County Council, using the details below, to apply for and obtain the required licence to place the tables and chairs on the public highway.

Tel no: 01243 642105 Or

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/tables-and-chairslicence/>