

Recommendation Report for Planning Permission

REF NO: LU/75/17/PL

LOCATION: The Windmill Harvester
Coastguard Road
Littlehampton

PROPOSAL: Erection of 1 No. giant jumbrella with curved seating, 1 No. jumbrella, 1 No. pergola with associated seating & lighting & new window to South elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the upgrading of an existing outdoor seating area and a new window in an elevation of the public house overlooking it.

The lighting proposed is festoon lighting to the pergola and internal lighting to the jumbrellas.

SITE AREA

1940 sq.m.

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The outdoor seating area has a 1.8 metre close boarded fence on the east and south sides with a belt of hedges and shrubbery within the garden emerging above it to a height of 2 metres. The south elevation of the public house forms the southern boundary of the east elevation of the Windmill Cinema forms the boundary on the west side.

SITE CHARACTERISTICS

A public house with an outdoor garden for its customers. The 'Harvester' property is next to the Windmill Cinema complex which adjoins the building to the west. The west boundary of the pub garden is formed by the 5 metre high east wall of the Windmill cinema. There is a public car park and the beach lawns to the north and east. 55 metres to the south beyond a public lawn is the Littlehampton Beach kiosk concessions and beach beyond.

CHARACTER OF LOCALITY

An area of public and private leisure facilities including public lawns and the beach to the south and east and Harbour Park Amusement Park to the west. Residential Areas are in excess of 150 metres to the north.

RELEVANT SITE HISTORY

None relevant.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Support

Comments on Representations received:

Noted.

CONSULTATIONS

Archaeology Advisor

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Estates Manager

Consultations responses received:

ADC Environmental Health - no objection subject to an informative relating to possible noise and lighting nuisance.

ADC drainage - No surface water comments.

Archaeology - No implications relevant.

Estates Manager - No comment received.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

Asset Comm Value

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

The Form of New Development

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

D DM1 Aspects of Form and Design Quality

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
National Planning Policy Framework

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

There are no policies in the Neighbourhood Plan that relate to this application. It is noted that the Harvester is designated an asset of community value.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 site lies in a well established leisure area and the proposals related to enhancements and an upgrading of an existing public house garden. No change of use is proposed nor are any additional areas being added to the garden. The development of 'jumbrellas', (outdoor rain shelters) will rise above the existing fence line however it would modernise and improve the appearance of the area and ensure and enhance the continued use of the pub/restaurant which is used by local employees, businesses and visitors alike.

The public house garden faces out over public lawns to the south and west and the garden is tucked behind the building so it is not visible from residential properties in Littlehampton some 150 metres away.

The lighting proposed on the pergola and jumbrellas would not be prominent on the street scene due to the location of the pub garden behind the rear walls of the public house and cinema and a condition controlling the lighting is not considered necessary because they would be turned off outside of opening hours to avoid attracting members of the public to the pub garden out of hours.

The site is located within Flood Zone 3 however it is not considered a development which would have any impact as it does not enclose any space and no change of use is proposed.

The proposed new window overlooks the garden and is not visible from outside the pub garden.

The development proposed is therefore considered to accord with policy GEN 7 of the Arun District Local Plan as it would improve visual amenities in the area and would not result in any loss of residential amenity nor result in any unacceptable adverse impacts on adjoining land uses. The proposal is therefore recommended for approval subject to the following conditions.

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) 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;

Dwg.no 4103/111 Rev B - Proposed Site Plan - dated Feb 17

Dwg.no 4103/501 - Proposed Ground Floor Plan - dated Feb 17

Dwg.no 4103/112 - Proposed Window Elevations - dated Feb 17

Dwg.no 4103/701 - Proposed Garden Works Pergola and Seating Construction - dated Feb 17

Dwg.no 4103/703 - Proposed Jumbrella - dated Feb 17

Dwg.no 4103/702 - Proposed Jumbrella and Curved Fixed Seating Details - dated Feb 17

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 **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.

- 4 INFORMATIVE: ADC Environmental Health - The applicant should have regard to the volume of any exterior public address system and exterior lighting in order not to cause nuisance to others using the leisure facilities beyond the boundary of these premises and within close proximity.