

Recommendation Report for Planning Permission**REF NO:** LU/78/13/**LOCATION:** East Beach Cafe
The Promenade
Sea Road Littlehampton**PROPOSAL:** Installation on existing permanent decking of low level timber (re claimed greenheart) picnic benches to replace existing tables and chairs**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Provision of 8No. timber picnic tables and 16No. benches to be sited on the existing timber decking. The maximum height of the tables will be 680mm.
SITE AREA	156 sq.m
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Promenade raised up from car park area by approximately 1 metre.
TREES	None affected.
BOUNDARY TREATMENT	None.
SITE CHARACTERISTICS	The East Beach Cafe is a corten steel building situated along the promenade. The promenade contains a regular rhythm of street lights incorporating high quality decorative curves with drop lights that illuminate the promenade for all users.
CHARACTER OF LOCALITY	Promenade adjacent to Littlehampton Sea Front with East Green car park situated north side. Residential properties in South Terrace and Beach Crescent to north.

RELEVANT SITE HISTORY

LU/284/05/	A new cafe to replace an existing kiosk on the seafront at Littlehampton.	Approve Conditionaly 24-11-2005
LU/309/07/	Erection of 3 stores/bin stores.	Approve Conditionaly 29-11-2007

LU/247/09/	Removal of existing benches and shelters on seafront promenade. Replacement with single bench structure from east Beach cafe to rear of concessions adjacent to Harbour Park (sited along southern boundary with existing dwarf wall). Erection of two new public shelter structures	Approve Conditionally 04-11-2009
LU/20/10/	Removal of existing benches and shelters on seafront promenade. Replacement with single bench structure from east Beach cafe to rear of concessions adjacent to Harbour Park (sited along southern boundary with existing dwarf wall). Erection of two new public shelter structures - Amendment to LU/247/09.	Approve Conditionally 03-03-2010
LU/107/12/	Erection of 1 no. lamp post with 2 no. lights in rear car park to replace pavement lights	Approve Conditionally 30-07-2012

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

1 Letter of Objection:

- Wish to repeat objection to when it was previously installed, it appears to reduce the area of beach to which the public has unrestricted access.
- The design of the proposed new furniture which is to be permanently fixed is quite out of keeping with its surroundings.

Comments on Representations received:

Comments noted. However these are not agreed. The proposal only covers a small area of the beach and does not restrict access. The material proposed for the tables and chairs are constructed from reclaimed sea defence/groynes which is considered appropriate for the locality.

CONSULTATIONS

Environment Agency

Economic Regeneration

Consultations responses received:

ENVIRONMENT AGENCY:

No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Permitted development restriction

Outside the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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, public access and safety.

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 nor would it have an adverse impact upon the established character of the surrounding area.

The Development Plan consists of the Arun District Local Plan.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 application seeks permission for the provision of tables and benches on the timber decking area to the front of East Beach Cafe. At present aluminium tables and chairs are placed on the decking when in use. The new timber furniture would replace this and be fixed to the existing decking.

The tables and benches would be constructed from reclaimed hardwood sea defences. The material and design together with the scale proposed is considered suitable for the coastal location and makes good use of reclaimed coastal materials. The height of the furniture would

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also be relatively low with a maximum height of 680mm, which minimises their visual impact.

The existing use of this area for customers of East beach Cafe is well established and is a positive addition to the promenade. The provision of permanent structures would alter the current layout, however they are acceptable and would not restrict access to people wanting to use the beach.

It is therefore recommended that the application be approved, subject to the conditions set out below.

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 for 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 a neutral impact has 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

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 Plan (1:1250); Site Plan (1:500); Picnic Benches Plan (1:20); Decking - Picnic

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Tables Layout (1:50).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN18

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

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 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.