

[REDACTED]

From: Tim Rodway | Rodway Planning [REDACTED]
Sent: 25 April 2019 11:14
To: Andrew Wood; Planning
Subject: Application LU/91/19/PL - Representation

Dear Mr Wood

Planning application reference: LU/91/19/PL

Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets. Various sites along Littlehampton Promenade, Littlehampton

I refer to the above detailed planning application. On behalf of our clients, we hereby provide you with our formal representations in relation to this planning application. Also attached is a further letter, dated 12th April 2019, which was prepared on our clients behalf by George Ide Solicitors LLP. This letter has been previously sent to Mr Nigel Lynn (Chief Executive Officer at Arun DC), but is provided here for your information.

I would be grateful if you could consider the contents of these letters when assessing the application proposals.

Please can you acknowledge safe receipt of this email and its attachments, and also keep me advised on the progress of this planning application.

I look forward to hearing from you.

Best regards,

TIM RODWAY
[REDACTED]



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Attn: Mr N Lynn
Chief Executive
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

BY RECORDED DELIVERY AND FIRST CLASS POST

Offices also at St Pancras, Chichester
and London

Our Ref. DJW/SAB/ HAR3564-9

Your Ref.

Date. 12 April 2019

Dear Mr Lynn

Re: Planning Application reference LU/91/19/PL ("the Planning Application")

We are instructed for Harbour Park Limited ("Harbour Park"), your Tenant pursuant to the Lease dated 20 June 1987 as varied. Further to previous correspondence and discussions regarding the renewal of the Lease, our client has recently been notified of the Planning Application made on behalf of Arun District Council ("the Council") which bear some relevance to those discussions.

We understand that both parties have discussed the mutual wish to see the continued resurgence of the area for everyone's benefit, however, Harbour Park were most concerned to note the Council's plans as described in the Planning Application – in particular in respect of Site A (the tarmac area to the South of Arun Parade) and Site B (Concreted area to the north of Littlehampton Pier).

The Planning Application states that it is the Council's wish to see a change of the current use of Sites A and B to allow for temporary food and drink outlets and other 'seaside uses' (and supporting temporary/portable structures to allow such use) ("the New Use"). Should that New Use be implemented, it seems clear that it would be in direct contravention of the covenants by which the Council are bound pursuant to Lease ("the Covenants") which prohibit such competition with Harbour Park.

Our client has always maintained that it would be glad to work with Council to continue to pursue a positive and balanced approach to the rejuvenation of the area, but it does require reassurance from the Council that it will not implement any such uses that would constitute a breach of the Covenants and more generally, that the Council will honour its agreement with Harbour Park in the spirit it was intended. Otherwise Harbour Park will have little choice but to seek out legal enforcement of the Covenants accordingly.

Partners Ursula Watt Ian Oliver Ian Mellor Paul Fretwell Paul Lewis Nicholas Smith Daniel Jhurry-Wright Katie Hutchinson
Consultant (non-practising) Claire Watson

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We use the word 'partner' to refer to a member of the LLP or an employee or consultant who is a lawyer with equivalent standing and qualifications.

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For your information, our client will be engaging with the Planners directly in respect of various comments regarding the Planning Application via the prescribed process.

We await hearing from you.

Yours faithfully



GEORGE IDE LLP
solicitors



Arun District Council
Planning Department
Council Offices
Maltravers Road
Littlehampton
West Sussex
BN17 5LF
SENT VIA EMAIL ONLY

25th April 2019

Dear Mr Wood

Planning application reference: LU/91/19/PL

Change of use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment for use by businesses associated with those outlets.

Various sites along Littlehampton Promenade, Littlehampton

1.0 Introduction

- 1.1 Rodway Planning Consultancy have been instructed by Messer's Smart of Harbour Park Limited. We hereby make representations in respect of the above detailed planning application, which is submitted on behalf of the District Council. On behalf of our client we now wish to formally register our **OBJECTION** to the submitted planning application proposals.
- 1.2 Harbour Park is a successful amusement park that opened in 1932, being situated on Littlehampton beach, adjacent to the working Harbour & Marina. The Park Features traditional rides plus other modern attractions and facilities.
- 1.3 This letter of representation focusses on material planning considerations. It is understood our clients have written to the District Council separately in respect of other matters, including legal queries emanating from the Council's proposals.

2.0 The Application Proposals

- 2.1 In summary, and according to the submitted Design & Access Statement (DAS), which accompanies the planning application, the proposals are for the change of use of parts of the seafront and adjacent areas in Littlehampton for temporary food and drink outlets and other seaside uses together with associated temporary /portable structures and equipment for use by businesses associated with those outlets.

2.2 The proposals relate to five individual sites, all of which are located adjacent or very close to our clients site at Harbour Park. The DAS defines these sites as follows:

- Site A – tarmac area to the south of Arun Parade
- Site B – concreted area to north of Littlehampton Pier
- Site C – part of promenade to east of Harbour Park and west of Banjo Road
- Site D – area to south of Banjo Road
- Site E – part of promenade to east of Banjo Road and west of East Beach café

2.3 The structure of our representations will now deal with each site individually. Importantly our clients do not wish to register objections to all five sites. However, they do have concerns with respect to the substance of the submitted application in general terms, which is noticeably lacking in key information, which would allow a more thorough assessment of the proposals to be undertaken. This lack of clarity and apparent vagueness is of significant concern to our clients, a view evidently shared by a number of other people according to the other representations that have been lodged with the Council in respect of this application.

2.4 As a consequence we consider that the application should be provided with the following crucial information, which is currently lacking from the submission:

- What is the exact nature of the food outlets? For instance, the size, design etc is not specified within the application documents. The use of the term “equipment” is particularly vague. Further information is clearly required before a full assessment can be made in relation to the appropriateness of the proposed outlets.
- What type of use will be provided by the outlets for each individual site? For instance, we can see a quirky, alternative coffee facility adding to the consumer/visitor ‘offer’ in this area, whereas other uses maybe less appropriate. Clarity is needed in this respect now.
- Where is the evidence that there is a need for such facilities? It is clear that this area is already extremely well served by such facilities.
- The application describes the outlets as “temporary”, however this is not defined within the application. Are the uses/sites anticipated to be occupied for just the summer season? If approved, would the permission last in perpetuity, or would it be for a limited (temporary) period? Presumably the use is anticipated to be for a period in excess of 28 days otherwise it would fall within the criteria of ‘permitted development’.
- What would the hours and days of use be? Will all outlets be in use at the same time?
- How many staff are anticipated as being employed by the application proposals?
- Will more refuse bins be provided at the sites where the new uses are proposed?



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- How will commercial waste, including water, be disposed of? Policy WD DM1 requires that developments work in harmony with the environment, however there is no detail as to how this will be achieved.
- How will pollution be controlled? We are concerned that noise and waste emanating from the proposed sites (i.e. generators, other motors) will impact on the visitor experience. It is noted that the promenade area is currently silent.

2.5 In short, the submitted application is woefully lacking in important information, and without this we are unable to ascertain how much of an impact the Council's proposals will have. What is clear is that these proposed uses will have an impact on the local area, and our assessment of this in relation to each individual site is set out below.

3.0 Assessment & Queries in respect of each Proposed Site

3.1 The starting point for the determination of this planning application is Section 38(6) of the Planning & Compulsory Purchase Act 2004. This requires that planning applications be determined in accordance with the policies contained in the Development Plan, unless other material considerations indicate otherwise. In this case the Arun Local 2011-2031, the Littlehampton Neighbourhood Development Plan 2014 – 2029, and the National Planning Policy Framework 2019 provide the relevant planning policy context in this case.

3.2 In our professional opinion, the proposed development (when considered as a whole), is not in accordance with the relevant policies contained in the Development Plan, and there are no compelling material considerations to justify deviation from the policies. The application should therefore be refused. As set out above, we consider that one reason for refusal should be for the lack of adequate information submitted with this planning application.

3.3 The adopted Arun Local Plan 2011-2031 includes Policy Map 4, an extract of which is detailed below at Figure 1. This confirms that the individual sites have the following designations/constraints applicable:

- Site A – Outside the built-up area, and within a designated 'Economic Growth Area'. Appears to be in an area identified as a 'Green Link: Littlehampton to Arundel'.
- Site B – Outside the built-up area. The majority of the site lies outside the 'Economic Growth Area'. The site lies adjacent to designated 'Existing Open Space'.
- Site C - Outside the built-up area. The site lies adjacent to designated 'Existing Open Space'.
- Site D - Outside the built-up area. The site lies adjacent to designated 'Existing Open Space'.
- Site E - Outside the built-up area. The site lies adjacent to designated 'Existing Open Space'.



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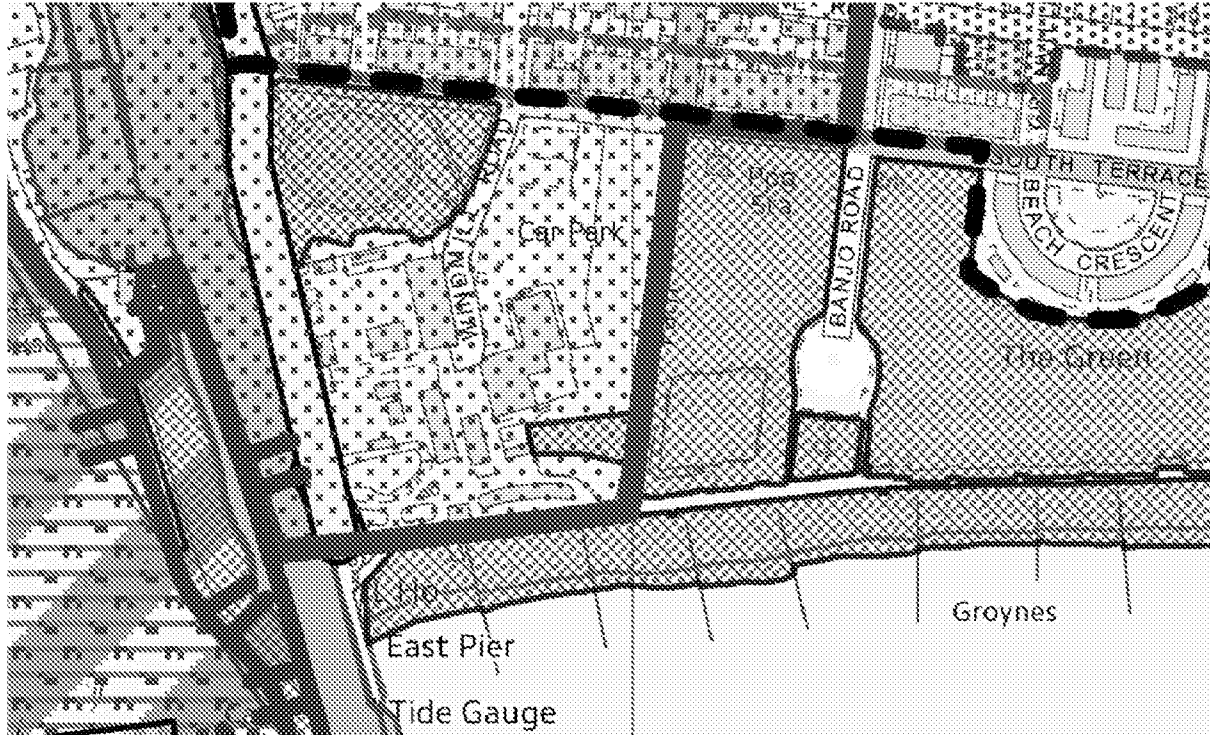


Fig 1. Extract of Arun Local Plan Policies Map 4 ‘Littlehampton & Surrounding Area’

Site A

- 3.4 This is a prominent site that lies adjacent to the western boundary of Harbour Park, to the east side of the River Arun. The site is relatively modest in size, and given its proximity and relationship to the existing buildings and uses at our client’s site, we do not consider that there are grounds to object to this element of the planning application per se. That being said, and as set out above, there is a lack of information in respect of the nature of the uses and/or associated structures that are proposed to use this site. Without this certainty, our clients reserve the right to make further comments once further information has been provided.
- 3.5 Clarity is needed in respect of how a temporary use at this site would impinge on the designated Green Link.

Site B

- 3.6 This site is in an extremely prominent location on the seafront lying on the eastern harbour arm immediately adjacent to the River Arun, as shown at Figure 2 below.



Fig 2. Photograph of proposed Site B

- 3.7 Clearly the site is very open, and provides an attractive focal point at the southern edge of the designated Green Link, and the western end of the promenade that runs along the seafront. The site is also visually important in that it provides an entrance to Littlehampton from the sea, and also provides open vistas from the west bank across a site of special scientific interest (SSSI) and the beach to the east.
- 3.8 The site is outside of the built-up area boundary, and as such countryside policies apply. The Arun Local Plan confirms that the Council will “*protect the natural environment by strictly controlling development in the countryside*”, and goes on to confirm that the countryside is an “*important designation*” (paragraph 7.2.1). The Local Plan specifies that “*the [built-up area] boundary is important in identifying the point of transition between the built form of a main settlement and the surrounding countryside. It is not simply a means of showing the limits of existing development, as some developed areas lie outside it and some undeveloped areas lie within it. In addition, the boundary also serves to preserve the setting of existing settlements from unnecessary development.*” Policy CSP1 permits development in the countryside subject to a number of criteria. We consider that development on Site B would not appear to comply with any of these identified criteria, unless it can be demonstrated that the new use would facilitate “quiet, informal recreation” as required by criteria (b). Due to the lack of information accompanying this application, we consider this to be far from assured.
- 3.9 Policy EMP DM1 has regard to employment land for Development Management purposes. Part 6 of this policy concerns economic growth outside the built-up area boundary. It is our opinion, that the provision of development on Site B would not accord with the requirements

of this policy, specifically it does not provide an “*appropriate sized extension of an existing employment site*” and we are not aware of alternative sites being considered (criteria a); we have significant concerns about the design, layout and landscaping being appropriate to the sites context and whether it would provide a “*sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts...*” (criteria c and f), due to the lack of submitted information in this regard.

- 3.10 In respect of Site B we also query why such a large area has been identified. This alludes to a more extensive use than that broadly indicated by the application description. Again, further clarity is required in order to provide comfort in this respect. Ideally, a more defined red line area should be submitted.
- 3.11 Essentially, without more detailed information relating to the proposed and extent of the use at Site B, then our stance is that we object to this element of the planning application, primarily due to potential impact on the open character of the locality.

Sites C and E

- 3.12 Given the similarity of these two sites that are located on the existing promenade, it seems sensible to consider these together. As with Site B (above), these sites are in prominent and important locations, situated on the popular promenade located at the back of Littlehampton’s East Beach. As existing this area is well served by existing outlets, including the East Beach Café, and other facilities associated with Harbour Park.



Fig 3. Photograph of Site C looking west



Fig 4. Photograph of Site E looking east

- 3.13 According to the submitted details, both sites incorporate an area of the existing promenade measuring 20 metres long by 3.5 metres deep. This will create a significant narrowing of the existing width of the promenade, and we are concerned how this will impinge on this well used thoroughfare, which is integral to Littlehampton's charm and tourist offer. The promenade is used by pedestrians, cyclists, the motorised prom train, and servicing vehicles. If development is approved at Sites C and E, this activity will continue, but in very close proximity to the (presumably) new kiosks. In busy periods, queues of people will spread onto the non-demarcated promenade creating a further narrowing of the public thoroughfare and significantly impinging on access.
- 3.14 Policy C SP1 sets out that *"To ensure better management of the rural-urban fringe in those areas where significant new development is proposed, early consideration will need to be given to landscape and biodiversity enhancement, woodland management, recreation provision **and access routes**."* Given our concerns set out above, we consider that the proposals would not accord with Policy C SP1 in this respect.
- 3.15 Policy EMP DM1, section 6, criteria (b) requires that new development proposals should demonstrate that they *"would not intensify uses at the site to the detriment of existing public access routes and highways"*. We are not satisfied that the application proposals are acceptable in this respect. The proposals would leave inadequate space for the existing variety

of traffic that utilises the promenade space, thereby creating a significant public safety concern.



Fig 5. An image of the prom at Bognor Regis



Fig 6. Existing prom at Littlehampton

- 3.16 The above photographs show the existing motorised road trains that run along the promenades at Bognor Regis (Figure 5), and Littlehampton (Figure 6). Figure 5 shows the road train at the site of a kiosk on Bognor prom at its narrowest point. The promenade is 1.5 metres wider than that proposed for Littlehampton, and as can be seen from the above image, this is very tight. Indeed, it is common knowledge amongst traders and the Foreshore Officers that this train has difficulties in passing this route when the promenade is busy. Importantly these measurements do not allow for any queues, refuse bins, or other paraphernalia that would be associated with a kiosk in this location. Put simply, the promenade is not of sufficient width to accommodate kiosks in the locations proposed. To provide such outlets would create congestion at best, and at worst would lead to significant public safety issues.
- 3.17 In addition, Policy C SP1 also requires the Council to take into account cumulative impact of development in the consideration of planning applications. Given the proximity of Sites C and E to other similar uses, we question whether this has been done.



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- 3.18 It is important to also consider the design focused policies in the Local Plan. Policy D SP1 entitled 'Design' states that *"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development."* Policy D DM1 entitled 'Aspects of form and design quality' is an extensive, more specific design policy that covers in detail a wide range of design matters, including character, appearance/attractiveness, impact, innovation, adaptability, crime prevention, trees/woodland, solar gain, public realm, layout (movement and legibility), public art, density, scale, and aspects of form and design quality.
- 3.19 We are of course unable to fully assess the proposals in relation to these design based policies, due to the application lacking any detail as to the appearance or scale of the proposed outlets at any of the five sites. Indeed, Sites B and D are extremely large in size, and if developed to the full capacity as outlined in red on the application plans, would provide a significant overdevelopment that would not only overdominate the local coastal landscape, but would also fundamentally alter the defining open character of this part of Littlehampton's seafront to its clear detriment.
- 3.20 Policy D SP1 requires a thorough site analysis and context appraisal to have been undertaken. The submitted Design & Access Statement does not provide any details of this having been done. Please can Officer's ask for this information?
- 3.21 Policy D DM1 requires innovation. This is not clear from the application details, but our concern is that the proposals are merely going to provide goods/services that are already readily available at other nearby, existing kiosks/outlets. We contend that alternative products should be provided at the application sites, which would complement the existing retail offer rather than directly compete with it.
- 3.22 This policy also requires consideration of the public realm. Given the positioning of the application sites, this is clearly very important in this case. We remain unconvinced that the application proposals will lead to attractive outside spaces that are safe and successful. The policy also discusses the need to consider movement and layout legibility. As discussed above, we are significantly concerned given the extent of the two kiosk sites that this has been properly considered, as there appear to be clear impacts on the ease of navigating the existing promenade by pedestrians and vehicles.
- 3.23 Finally Policy D DM1 requires that in terms of scale the proposals should be in keeping with the local context. We consider that the application would clearly fail in this respect. The 20 x 3.5 metre size of the kiosks proposed for Sites C and E could also lead to a density/mass of

structure on each size that is excessive and would lead to visual harm to the amenities of the coastline.

Site D

- 3.24 This site is the existing coach park, which is well used in busy periods. It is an open area, which is surrounded by designated open space. To fill this area for an unspecified period with kiosks or other outlets would lead to the degradation of the areas defining visual qualities.
- 3.25 Arguably of even greater importance is that if the entirety of the area proposed is used for commercial purposes, then what will be done to accommodate the displaced coaches that currently utilise this area? This is an important local facility, which coach operators are attracted to due to its ease of use, size and proximity to the beach and nearby attractions – which is a commodity in such a coastal location. These coaches bring many much-needed tourists to the area, who support the existing businesses.
- 3.26 In addition, it must be accepted that it is environmentally beneficial to bring people to the area ‘en-masse’ rather than rely on individual cars, as this reduces carbon emissions (each single decker coach would accommodate circa 50 visitors).
- 3.27 It is anticipated that an alternative ‘coach drop-off’ area (rather than parking) would lead to traffic chaos with disrupted unloading and pick-up times and severe customer dissatisfaction. The importance of visitors to the area by coach cannot be underestimated. It is understood that the South East (excluding London) enjoys 13% of the total domestic coach trip market, worth some £1.7 million annually (source: Mintel, UK Coach Holidays). Research has shown that each day trip visitor spends an average of £33.81 (source: TSE), with very high visitation numbers from within the Home Counties, and seaside destinations are one of the most popular to visit (40% of all coach visits). The expectation is that this sector will continue to expand due to an aging population and economic uncertainty making people less able or willing to travel overseas. The coach park at Banjo Road is well placed to capitalise on this market, and is an asset that allows Littlehampton to have the infrastructure to welcome coaches and an increase number of visitors.
- 3.28 We consider that the loss of this unique, valuable and efficient facility will be hugely detrimental to the local area. 55% of all coach visitors are repeat visitors (source: TSE). The Visit England ‘Guide to Welcoming Coach & Groups’ confirms that replacing an established coach park with a drop-off concept would be an unwelcome, and ultimately unsuccessful alternative. A major part of the attraction to coach companies and indeed visitors who use their services is the ability to park a coach close to the beach and attractions. Given that this coach market in June can account for up to 70% of trade for seaside businesses, if this were to be compromised it could lead to a significant impact on local businesses and revenue to for the Council also.



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- 3.29 The reality of this element of the application proposals is ill-conceived and would be detrimental on a number of levels. We therefore strongly contend that it must be deleted from the application immediately.

4.0 Overview & Conclusions

- 4.1 The application is lacking in crucial information and details, without which a thorough assessment of the proposals cannot be satisfactorily undertaken. As it stands we must conclude that the chosen locations for development are generally unacceptable and will lead to visual, amenity, waste/pollution, movement, safety, and significant parking issues.
- 4.2 It is acknowledged that Policy EMP SP1 supports economic growth, and our clients are in agreement with this intention, and the focus of appropriate development in and around the designated Littlehampton economic growth area (Policy EMP SP2 refers). However, any proposal must be well thought out, and be respectful and complement the existing areas amenities and local businesses. We consider that the application proposals fail to achieve this.
- 4.3 Policy TOU SP1 relates to sustainable tourism and the visitor economy. The policy sets out that *“proposals for visitor related development will be determined by Arun’s capacity to absorb such growth; for Arun this means tourism growth which:*
- a. Encourages long-term visitor interest / activity;*
 - b. Ensures a viable visitor economy;*
 - c. Provides benefit to local people;*
 - d. Extends the visitor season; and*
 - e. Protects and enhances the natural and built environment of Arun.”*
- 4.4 In respect of each requirement we consider this application fails. In relation to criteria a) the application is temporary and only for peak time; in respect of criteria b) the proposals include the removal of an important and well-used coach park; in relation to criteria c) the proposals are not targeted at local people; for criteria d) the proposals would not extend the visitor season as they are aimed at peak periods; and, for criteria e) we have identified that the proposals have the potential to overdominate the undeveloped and open coastal area, blocking important vistas and creating a clutter and harm to the enjoyment of visitors to the area.
- 4.5 Given the clear conflict with the Council’s own tourism development policy, as identified above, we consider that the application is flawed and would be to the clear detriment of the very sector that the proposals are aimed at (i.e. the visitor economy).
- 4.6 On this basis, and for all the reasons outlined above, on behalf of our client, we **OBJECT** to this application, and respectfully request that the planning application is refused.



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Yours sincerely,

Tim Rodway
Director

c.c. *Mr Smart, Harbour Park*