

Recommendation Report for Planning Permission

REF NO: LU/96/21/PL

LOCATION: Promenade Shelter
Sea Road
Littlehampton
BN16 2NA

PROPOSAL: Kite surf school equipment store and office in connection with existing kite cafe and surf school. This application is in CIL Zone 5 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The extension is proposed to the east elevation of the building and would comprise 2 no. storage containers set at right angles and clad externally with cedar boarding to match the main building. and an outside shower area. The containers each have a floor area of 3m x 7m. The containers would extend to a height of 2.8m.
SITE AREA	133.5 sq m
BOUNDARY TREATMENT	The boundary is open other than temporary contractor fencing. 1m high walling runs along boundary with the promenade.
SITE CHARACTERISTICS	Works are progressing on site to provide the new school and coffee shop. A containers is located on the site, but it is not in use for the purposes applied for or located in the position indicated in the application. The proposal is not therefore retrospective.
CHARACTER OF LOCALITY	The area is coastal in character with no neighbouring structures other than a seawall to the east along the edge of the promenade and beach huts to the west. Skateboard ramps and sewage works opposite (north) of the site. Littlehampton Swimming and Sports Centre and residential flats to the north-east of the site. The sailing club accesses the beach to the east of the site.

RELEVANT SITE HISTORY

LU/115/21/NMA	Non-material amendment following grant of LU/307/17/PL for change of exterior material from render to cedar boarding to match remainder of building, removal of raised light boxes at first floor terrace level and removal of external picnic table bench seating to be replaced with loose tables and chairs.	Approve 21-04-21
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LU/329/19/NMA	Non material amendment following the grant of LU/307/17/PL to increase building width & depth by circa 190mm, move building 1m in westerly direction & minor adjustments to fenestration/hatches.	Approve 18-11-19
LU/307/17/PL	Demolition of promenade shelter & construction of cafe & kite surfing school with roof terrace & associated works	ApproveConditionally 13-12-17

REPRESENTATIONS

Littlehampton Town Council - No Objection

1 Support

- Better to incorporate into design than stick 2 containers there at a later date and apply retrospectively.
- The site already exceeds the size of the old shelter so a small section added seems acceptable if it is not a prelude to larger further additions in the near future.
- It seems incredible that the promenade should have fixed buildings on the seashore anyway one of the attractions is the long open vista.
- Being opposite the sewage works at least it is not obscuring the view. The enterprise being a sporting venue is also a plus to encourage kite and windsurfing will make a colourful addition to the sea.

2 Objections

The Kite Surf School/Cafe being built is at least twice as large as the shelter that was previously on the site. The effect of this is that sea views will be detrimentally affected.

- Provision of an office and store should have been included in the original planning application. The current application is no more than a 'back door attempt' to gain planning permission to extend the building.
- This planning application should be retrospective as the containers are already installed.
- The positioning of the container for storage has been set back from the sea wall and is now protruding passed the front elevation of the building thus can be viewed from a distance along the beach line.
- It is essential that the containers are contained within the end elevation profile of the new building.
- The new building design is first class and it is a shame that temporary structures are being proposed and if approved should be shielded and out of sight as much as possible.
- Due to the fact there will be many young people with the skate park being located opposite, the containers, shed on the west end and the close proximity of the sea wall will provide an excellent high level play area.
- Parking for vehicles for this facility could be problematic.

COMMENTS ON REPRESENTATIONS RECEIVED:

The addition of a store and office would have no impact on parking provision.
Other comments are addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection. Request a Construction Management Plan (CMP) is conditioned and it would not be reasonable to impose such a condition in respect of provision of outdoor showers and 2 containers.

Marine Management Organisation - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The adjacent site is already the subject of a CMP.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Class B road
Flood Zone 3

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
WDM2	W DM2 Flood Risk
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The relevant policy of Littlehampton Neighbourhood Plan has been considered.

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 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Principle

The site lies outside the built-up boundary where the principle of development is considered unacceptable. Policy CSP1 of Arun Local Plan states Development will not be permitted unless certain criteria are met which includes that it is in accordance with other policies in the Plan.

In this particular case since the proposal relates to an approved tourist and sport activity the principle is acceptable. The proposal is compliant with policy 1A of the Littlehampton Neighbourhood Plan as there are no policies in that plan that the proposal does not accord with. This application relates to the provision of additional facilities adjacent to the approved Kite Surfing Centre /coffee shop which is currently under construction. The use has consent year-round. This proposal only relates to the addition of an office and store adjacent to the approved structure to facilitate ancillary storage and office use. Further consideration in respect of tourism is not therefore relevant.

Design and Visual Amenity

Policy D DM1 of the Arun Local Plan assesses proposals for development in terms of their character and appearance and impact on general movement to and around the site. The clad containers would have a traditional appearance and would reflect the design of the existing beach huts in the locality and would be readily visually assimilated and integrated into the approved development and foreshore area.

The proposed extension seeks an additional 46 square metres of floor space within 2 no. storage containers to the east of the main building and proposes the continuation of the elevational treatment to match the main building. The addition is proposed is subservient to the main building in terms of its height and floor area and would not appear incongruous or out of keeping with the structure currently under construction.

The development is therefore compliant with policy D DM1 of the Arun Local Plan.

Flooding

The site is located on Littlehampton sea front and is adjacent to an approved kite school and restaurant. The extension would provide an equipment store and office for ancillary use provided within metal containers placed on top of the beach. The site is located within Flood Zone 3 and as such is in an area at the highest risk from flooding and needs to be considered in relation to policy WDM2 of Arun Local Plan. The risk is predominantly tidal and there are flood defence features along the seafront. On the basis that the proposed extension is non-residential and that the containers occupying a footprint of less

than 50 square metres a sequential test is not required and the proposal includes an FRA. Therefore parts (a) and (b) of the policy are addressed. The proposal does include wider community benefits in respect of being ancillary to the approved tourist and visitor facilities part (c) and it includes the following mitigation measures in respect of part (d). Mitigating Flood risk measures have been incorporated into the main building design and these include:

- a point of safe refuge on the upper terrace
- flood proofing of the ground floor
- a flood warning and evacuation plan prepared as required
- Applicant to register with the free EA Floodline Warnings Direct services

Due to the low vulnerability of the use and being partially water compatible the proposed extension is considered suitable within Flood Zone 3 in accordance with policy WDM2

Impact on Marine Environment

The proposal involves minimal development on the foreshore. The containers would be located on the top part of the beach shingle area adjacent to the promenade. It is necessary to consider the impact of the proposal on the marine environment and the relevant policy consideration is the South Inshore and Offshore Marine Plan. Policy S-TR-1 states 'proposals supporting, promoting or facilitating tourism and recreation activities, particularly where this creates additional utilisation of related facilities beyond typical usage patterns, should be supported'.

Policy S-TR-2 'Proposals that enhance or promote tourism and recreation activities will be supported. Proposals for development must demonstrate that they will, in order of preference: a) avoid, b) minimise, c) mitigate significant adverse impacts on tourism and recreation activities'.

Policy SCP-1 refers to Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:

- a) avoid
- b) minimise
- c) mitigate
- d) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area and its significance.

The proposal would not adversely impact on the marine environment or affect the landscape. The scale and design of the development is acceptable and it would be readily assimilated into the approved building.

Conclusion

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/ Block Plan CND2_SK02 Rev C
Proposed Floor Plan and Elevations CND2_SK01 Rev C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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.