

Report following a request for further information or negotiation

REF NO: LU/99/11/

LOCATION: West Beach Cafe
Rope Walk
Littlehampton

PROPOSAL: Change of use from (A1) kiosk to (A3) cafe to include replacing timber boarded front elevation with glazing & fit security shutters to door & window openings. Re-site fryer flue & install flag pole & install 2 no. toilets & storage unit at rear

Members will recall that this item was deferred from the 10th August Development Control Committee for further information relating to on site waste receptacles and condition 3 within the Officers Report which read:-

'Other than customer waste, there shall be no outside storage of waste or materials whatsoever. Waste and materials storage shall take place within the building hereby permitted unless otherwise approved by the Local Planning Authority in an application on that behalf.'

The applicant drew attention to this condition and the fact that there were existing outside waste receptacles. As none were shown on the submitted plan, and the fact that the land is within the ownership of Arun District Council, this matter needed to be investigated.

A site inspection has revealed that a large wheeled bin together with a smaller fixed bin are in place outside of the application site, but within use by the cafe. These bins are positioned firmly within the car park next to the West Beach Cafe.

As site owners, and for purposes relating to the submitted planning application, the relevant departments within the Council raise no objection to the siting of the bins.

The original condition has thereby been amended to read:-

'Any outside storage of waste and materials (including customer waste) shall take place only within the red edged bin area indicated on the supplementary plan submitted on 04-09-2011 unless otherwise approved by the Local Planning Authority in an application on that behalf.'

The officer report and recommendation, including the amended condition, follows.

LU/99/11/

PLANNING APPLICATION REPORT

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is retrospective in part and relates to refurbishment of the existing kiosk premises to facilitate a change to a cafe. The works involve replacement timber boarding to front elevation with glazing and security shutters to doors and window openings, re-siting of fryer to flue from the south elevation to the rear west elevation, installation of a 6m high flagpole and two toilet units and storage unit to rear.
SITE AREA	190m2
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat. Dunes rising in height to rear.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing to approximately 1.5m on edge of seating area.
SITE CHARACTERISTICS	Existing modern flat roofed building. Black brick work tiled elevations. Blue painted window frames. Toilet and visitor centre building to rear of site adjacent to footpath. Outside seating area in front of cafe adjacent to paths. Ramp to side and steps next to parking area.
CHARACTER OF LOCALITY	Predominantly rural/beach environment. River to east. Beach and sand dunes to south. Golf course to north.

RELEVANT SITE HISTORY

LU/139/96	Change of use of walk way to patio area and other minor alterations	Approve Cond 10-09-1996
LU/366/05/	Hollow concrete block wall topped with capping stone, reinforced and rendered, 1m high x 24m long	Approve Cond 15-03-2006

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

Comments on Representations received:

None

CONSULTATIONS

Environment Agency

Environmental Health

Concessions Officer

WSCC Local Development Divis.

Consultations responses received:

ENVIRONMENT AGENCY:

No objection.

ENVIRONMENTAL HEALTH:

No objection. Customer sanitary accommodation must comply with all current relevant legislation. The storage container if to be utilised for the storage of foods must comply with current food hygiene regulations.

COUNTY HIGHWAYS:

No objection.

TOURISM DEVELOPMENT OFFICER:

No objection. Would encourage any quality improvements in line with planning policy.

COUNTY ECOLOGIST:

The application site lies immediately adjacent to a Site of Nature Conservation importance to the north and a Site of Special Scientific Interest to the south. No ecological objection subject to a suitably worded condition preventing any encroachment on to or materials being stored on the adjacent southern SSSI.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Boundary

Area of Special Control for Adverts

Site of Special Scientific Interest

Site of Nature Conservation Importance

Protected Coastal Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)
[AREA14](#)

[AREA15](#)

The Form of New Development
Sites of National Importance for Nature
Conservation
Sites of Local Importance for Nature

[DEV35](#)

Conservation
Tourism Development Requiring a Coastal
Location

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Geological Conservation
PPS7	Sustainable development in rural areas
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

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.

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

The proposal relates to a change in the nature of the previous refreshment kiosk use to a cafe offering eating facilities on site and an extension of the existing premises. The use has already commenced. The proposed extension which encloses the toilets and storage and measures 3.3m x 6.6m (long) x 3m (height) would have painted weatherboarded elevations to match existing.

TOURISM:

The site lies outside the defined built-up area boundary and the application falls to be considered against Policy DEV35 of the Local Plan. Small scale extensions such as that proposed are acceptable provided they do not detract from the character of their surroundings. The proposed materials would match the existing and the extension would be located to the rear where it would have limited visual impact. The proposal therefore accords with this policy.

NATURE CONSERVATION:

The site lies immediately adjacent to a site of Nature Conservation Importance (SNCI) to the north and a Site of Special Scientific Interest (SSSI) to the south. It therefore falls to be considered against policies AREA14 and AREA15 of the Local Plan together with Planning Policy Statement

9 Biodiversity and Geological Conservation. The building is existing. It is suggested that a condition is imposed to ensure that storage from the premises does not encroach onto the adjacent SSSI. The extension is located to the rear and is of a limited footprint so its impact on the Sites of Nature Conservation Importance is limited.

VISUAL AMENITY AND CHARACTER OF THE AREA:

The existing building is flat roofed with black timber stained elevations and painted brickwork. The proposed timber clad extension to the rear would match the existing elevations and would be visually integrated with the cafe. The site proposed is reasonable for the structures it screens and its siting to the rear of the premises minimises its visual impact on the locality.

The flag pole would be the only structure of this height in the vicinity, but given its limited width it would not be prominent or obtrusive.

CONCLUSION:

The application is therefore recommended for approval subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans 1:1250 site plan, Drawing1, Drawing2, Drawing3, Drawing4, East side elevation and flapole elevation.

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.

- 2 The use hereby permitted shall not be operated at any time otherwise than between the hours of 10:00 and 22:00 in any one day.

Reason: To safeguard the amenities of neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Any outside storage of waste and materials (including customer waste) shall take place only within the red edged bin area indicated on the supplementary plan submitted on 04-09-2011 unless otherwise approved by the Local Planning Authority in an application on that behalf.

Reason: To safeguard the visual amenities of locality and prevent encroachment onto the sites of Nature Conservation Importance in accordance with policies GEN7, AREA14 and AREA15 of the Arun District Local Plan.

- 4 **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: GEN7,AREA14,AREA15,DEV35

NATIONAL POLICIES: PPS1,PPS7, PPS9, PPS23,PPS25

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

- 5 INFORMATIVE: This permission does not purport to grant consent for the flag, indicated on the proposed flagpole drawing forming part of this application, which would require the submission of a separate application for Advertisement Consent or the fascia sign which may require Advertisement Consent.