

PLANNING APPLICATION REPORT

REF NO: LU/91/19/PL

LOCATION: Various sites along
Littlehampton Promenade
Littlehampton
BN17 5LF

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Change of use of parts of the seafront for temporary business pitches (over 28 days in any calendar year) together with associated temporary/portable structures and equipment for use by businesses associated with those outlets.

SITE CHARACTERISTICS The applicant is Arun District Council.
Two sites (B and D) remain proposed within the communal promenade of Littlehampton, to the east of the River Arun: Sites A, C and E have been deleted following discussions.

Site B - A triangular site 920 sq.m. in size on the seafront promenade by the lighthouse adjacent to the River Arun.

Site D - A rectangular shape part of the coach park at Banjo Road measuring approx. 13 m. by 35 m. and part of the stage by the sea site measuring 18 m. by 38 m. The rest of coach park (40 m. by 44 m.) is to be retained for the parking of coaches.

CHARACTER OF LOCALITY The promenade and coach park at Littlehampton are in public use for tourism and leisure interspersed with some commercial tourism uses and a public park along the foreshore.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
Rustington Parish Council

Following amendments to the scheme Littlehampton Town Council removed their objection. Rustington Parish Council have backed the removal of objections by Littlehampton Town Council.

65 letters of objection:

- Litter/additional food waste/waste from Concessions.
- Increase in cadence of vermin.
- Noise.
- Obstruction to sea front promenade users and danger to pedestrians/users on busy days.
- Adverse impact on Land Train.
- Sites C & E in particular narrow the promenade.
- Regrettable loss of coach parking/safe drop off area for coaches at Banjo Road.
- Spoil character and tourist use of the sea front.
- Site B will have an adverse impact on the Littlehampton Lighthouse which is a building of special character.
- Loss of business to existing outlets on the promenade.

1 letter of support stating that increased offer on seafront will attract more visitors.

Councillor Seex made the following objection:

- Counter productive to regeneration of Littlehampton.
- Need to support businesses that pay rates and employ staff.

Councillor Cooper made the following objections;

- All year round employers will be adversely impacted and will fail to invest in future as a result.
- Land train will have insufficient room to manoeuvre and therefore pose a safety risk.
- 'Offering' does not look attractive.
- No evidence that it will bring more visitors to the area.
- Loss of coach parking short sighted.
- Events need additional food offerings especially out of hours.

Councillor Walsh objected to the original proposals but has made the following comments on current proposals (following amendments)

- Support the proposals as they relate to sites B and D.
- Alternative food outlets on the Green for major events needed.
- Riverside Walk and the Pier not that well served so a further outlet at site B makes sense.
- Need to retain control over design/type of temporary pop up.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments/objections raised discussed in conclusions section.

CONSULTATIONS

Economic Regeneration

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Estates Manager

WSCC Strategic Planning

Engineers (Coastal Protection)

Southern Water Planning

Concessions Officer

Conservation Officer

Natural England
 Ecology Advisor
 English Heritage
 Natural England
 Arboriculturist
 Parks and Landscapes
 Littlehampton Harbour Board
 South Downs National Park
 West Sussex - Waste Disposal

CONSULTATION RESPONSES RECEIVED:

ADC Greenspace - No comment as no landscape implications.

Theatres Trust - Support application. No concerns over the operation of the Windmill. Proposals will help to draw people to the area.

Natural England - No objection as no impact on statutorily protected nature conservation sites.

Southern Water - No objection.

Environment Agency - No objection subject to safe passage onto the beach for operational requirements.

West Sussex County Council Highways - No objection. There are no transport grounds to resist the proposal. WSCC would expect to see alternate provision if all coach parking were to be removed from the area of site D with accompanying signage to direct coach drivers to it.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Issues raised addressed in Conclusions section.

POLICY CONTEXT

Designation applicable to site:
 ADOPTED LOC PLN
 PUBLIC SEWER ON SITE

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
EMPDM1	EMP DM1 Employment Land: Development Management
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
TOUDM1	TOU DM1 Tourism related development
TOUSP1	TOU SP1 Sustainable tourism and the visitor economy
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

Littlehampton Neighbourhood Plan 2014 Policy 17

Littlehampton Neighbourhood Plan 2014 Policy 2

Littlehampton Neighbourhood Plan 2014 Policy 16

Littlehampton Neighbourhood Plan 2014 Policy 21

The Presumption in Favour of Sustainable Development

Buildings and Structures of Character

A Spatial Plan for the Town

Open Spaces

Proposals to increase the recreational and tourist use of the River Arun

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 relevant policies of the Littlehampton Neighbourhood Plan have been taken into account.

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 will improve the quality of the visitor experience and would help to raise the overall profile and image of the 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

BACKGROUND:

Part of the Littlehampton Seafront Public Realm Action Plan approved by the Littlehampton Regeneration Sub Committee in June 2017 and Full Council in July 2017 was to extend the provision for temporary business pitches in the seafront area to enable seasonal businesses to locate there.

This application is to enable Arun District Council to promote suitable opportunities to enhance and improve the Littlehampton seafront offer for its visitors. It is hoped to increase footfall so as to benefit all businesses located there.

The proposed businesses are intended to be there during the summer season but not all pitches would be used at any one time and they would often be used to support large scale events on the Greens. The aim is to attract more spending in the area and increase the variety and range of food outlets on the seafront. It is expected that the proposed outlets would complement the existing businesses in the immediate area rather than replicate or compete with it providing alternative options for customers.

An example of the kind of business proposed is a very successful Gin, Prosecco and Pizza Bar on Bognor Regis seafront which drew in a new and younger clientele to visit the area. Other alternatives are

catering for activities that are not currently available such as vegan/ethnic street food or a paddleboarding operator, all of which would draw and attract both family and younger visitors. All temporary businesses located on the proposed sites would be subject to full management and oversight by Arun District Council. Applications to locate businesses on these pitches would be fully vetted and licensed by qualified surveyors from Arun District Council's Property and Estates Department as they control all business use on Arun District Council land.

The operating licence provides the mechanism to control many of the issues raised in objections such as rubbish, food waste etc. It would specify conditions around the extent of the site which would include:

- Space for outdoor tables and chairs or any equipment such as paddleboards.
- What was being sold and which days and times.
- Manage litter and other potential environmental issues.

Breach of licence conditions can be reported to the Council and would mean the licence could be removed if being breached.

PRINCIPLE:

In this case the relevant policies are TOU SP1, TOU DM1 and EMP DM1 of the Arun Local Plan.

Policy TOU SP1:

- Supports tourist growth which encourages long-term visitor interest/activity.
- Ensures a viable visitor economy.
- Expands the visitors season so as to benefit to local people.
- Protects and enhances the natural and built environment of Arun.

The proposal will allow for an extended and diversified range of events and tourist offer in accordance with policy TOU SP1 of the Arun Local Plan. Policy TOU DM1 supports tourism development outside the built up area boundary where they are associated with enhancing visitor use or appreciation of a specific feature or location. The Littlehampton Seafront is a case in point and the proposal would enhance visitor use of this location.

Policy EMP DM1 states that planning permission will be granted on sites outside the built up area boundary provided that the proposal satisfy certain criteria. The proposal is of an appropriate size and intensity in an existing employment area and would not be to the detriment of existing public access routes and highways for the reason discussed below.

It is explained how the proposal represents a high standard of design appropriate to its context. The site is located close to Littlehampton Town Centre and benefits from its well served public transport links. These are temporary pop up commercial units that will serve users of the prom who are currently well served by parking and access to the prom.

The uses would have a sympathetic relationship to the surrounding area and neighbouring uses contributing to the business of the area providing extra facilities and services for the tourists and day trippers that use the area. This is further outlines below. As set out below the uses would protect the amenities of nearby residents and neighbouring uses.

The above demonstrates that the proposed scheme would meet the requirements of EMP DM1.

The proposal would allow for an extended and diversified range of events and tourist offer providing additional employment in accordance with policies TOU SP1, TOU DM1 and EMP DM1. Policy 21 of the Littlehampton Neighbourhood Plan supports the implementation of any scheme that maximises the use

of the river and encourages tourism activity along the waterway.

The proposed development is therefore considered acceptable in principle.

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 uses would be temporary and seasonal. They would be seeking to add an attractive offer so as to attract members of the public and in particular tourists. The effect on Littlehampton Promenade would be to add further interest and diversity to the existing street scene increasing the tourist 'offer' available. The proposed kiosks would have sufficient space around them when in use so as to make them accessible to users whilst still maintaining readable access within the promenade as a whole. Businesses such as that proposed, rely on steady footfall such that it would be in their interest to maintain the flow of passers by in the vicinity of the concessions.

The development is therefore considered to comply with policy D DM1 of the Arun Local Plan.

BUILDING OF CHARACTER

Policy HER DM2 of the Arun Local Plan and policy 17 of the Littlehampton Neighbourhood Plan and requires that structures of character such as the Littlehampton Lighthouse, a locally listed building are taken into account in planning applications.

Furthermore the application falls to be assessed against para 197 of the National Planning Policy Framework which states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The proposal will not cause any loss of or alteration to the Littlehampton Lighthouse and as such is in compliance with these policies. In terms of their impact on the setting of this structure of character it would be negligible due to the separating distance and size of the kiosks involved. There is no significant conservation conflict between the use proposed and this non-designated heritage asset.

TRANSPORT

The two relevant issues in relation to transport would be the health and safety of promenade users and the loss of coach parking at the Banjo Road site.

As stated above the proposed temporary uses would rely on passing trade to conduct their business. The promenade has to cater on peak summer/school holiday days for heavy usage such that the road train and other uses are accustomed to work at a walking pace amongst pedestrians. The increased pedestrian traffic would not be so severe to cause a significant exacerbation of the pedestrian issues along the promenade.

Examples of temporary uses, land train and pedestrians co-existing comfortably side by side have been demonstrated on the Bognor Regis promenade through permission BR/87/19/PL for use of parts of seafront for temporary food & drink outlets & other seaside uses together with associated temporary/portable structures & equipment.

The proposal has been amended to retain most of the coach parking at Banjo Road. It is proposed to take 10 of the existing 20 coach parking spaces for temporary uses. Two spaces at Littlehampton Leisure Centre have been proposed as partially making up for the loss.

The applicant's (The Council's Economic Regeneration team) have put forward a case that the coach parking is a significantly underused resource. The total coach ticket sales for July 2018 was 131 and 108 for August 2018. The existing 20 spaces generate a maximum provision of 620 tickets. 10 parking spaces would halve this number to 310 tickets still well in excess of the demand for tickets in the busiest months of July and August in 2018. The applicants have agreed to put signs up to alert the coach drivers to the other available spaces at the Littlehampton Leisure Centre.

No objections have been received from West Sussex County Council to the proposal subject to the provision and notification of additional coach parking and the proposal is therefore considered to comply with policy T SP1 of the Arun Local Plan

RESIDENTIAL AMENITY

The uses positively influence the commercial and entertainment offer of the seafront and due to their temporary nature and character they would not adversely impact the amenities of the surrounding area and occupiers of nearby properties. The nearest residential premises are at least 150m away. They would be unlikely to experience any unacceptable noise, litter, odour or light pollution. Any noise and disturbance issues that failed to be addressed would lead to the Council failing to renew the licence of an operator.

NOISE

Noise pollution could potentially be generated by live or amplified music and other sources such as generators. The issue of noise pollution would be controlled by the imposition of conditions so that the proposal complies with policy QE DM1 of the Arun Local Plan.

CONCLUSION

The proposed uses would promote the long term visitor interest and activity of the Littlehampton promenade and provide benefits to local people complying with policy TOU SP1 of the Arun Local Plan.

The proposal would be compatible with the character of the area and the existing uses within it in compliance with the relevant policies of the Arun Local Plan and the Littlehampton Neighbourhood Development Plan.

The proposal is therefore 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:

Site Location Plan and block plan - Sites A& B Rev. A dwg.no.799/04 dated 24/04/2019
Site D - Site Use Plan dwg.no. 799/07 REV A dated Dec.19

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 Once any of the concessions cease to operate/trading they plus any associated equipment shall be removed from the site within 7 days of the date of cessation.

Reason: In order to protect the visual amenities of the area in accordance with policy D DM1 of the Arun Local Plan.

- 4 Live or amplified music or any form of entertainment to be at the level of background noise only and restricted to the immediate vicinity of the unit, except with the express written approval of the Local Planning Authority.

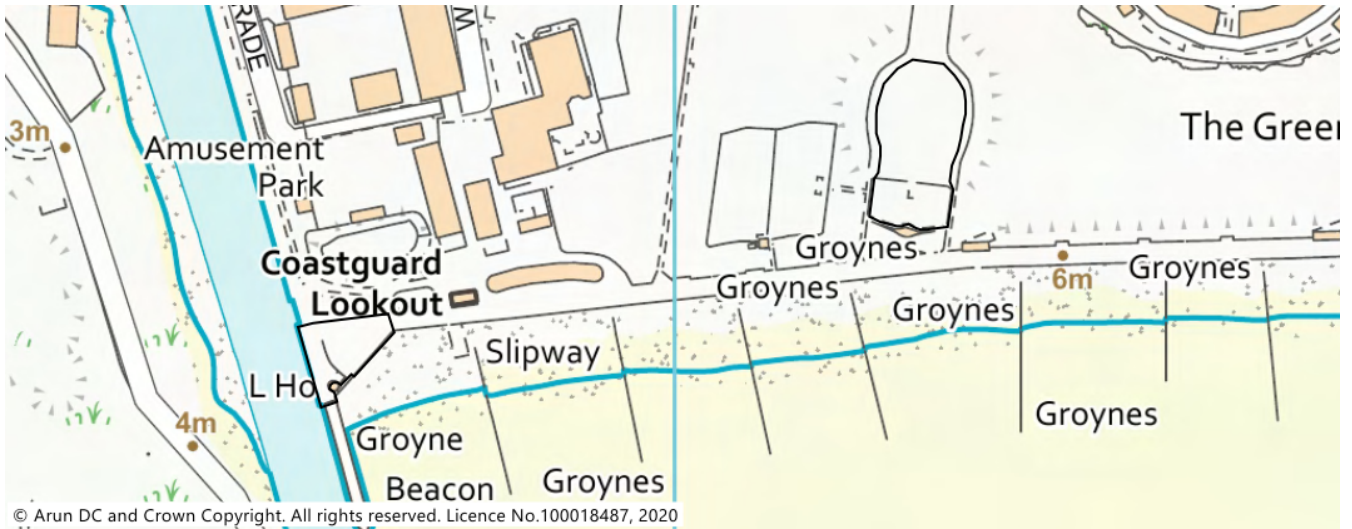
To protect the amenities of nearby residential properties in accordance with policy QE DM1 of the Arun Local Plan.

- 5 **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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on [this link](#).

LU/91/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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