

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/01259/FUL

Proposal Proposed decking with ramp and retractable canopy.


Site Billy's On The Beach Kiosk Bracklesham Lane Bracklesham Bay Chichester W Sussex
PO20 8JH

Map Ref (E) 480489 (N) 96367

Applicant Mr Christopher Fry

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located within the settlement of East Wittering. It forms the south western part of a single storey building, located adjacent to the foreshore of Bracklesham Bay. The building is blue and white clad, with glazed elevations.

2.2 The northern part of the building is in use by the foreshore office and the eastern part provides public conveniences. To the east of the building is a hard-surfaced public carpark, with residential properties beyond. An access road for the foreshore vehicles and an area of open grassed land lies to the west of the site. To the south is an area of seating in association with the café and the foreshore beyond.

3.0 The Proposal

3.1 The application seeks to extend the existing building, to form an outdoor enclosed seating area to the front (south) of the building. It would project 6m from the rear of the existing south elevation, comprise of a raised decking and would have a retractable PVC fabric canopy. There would be lower level walls constructed of cladding to match the existing building and the frame would be white coated aluminium, with an eaves height of 2m and maximum ridge height of 3.9m, subservient to the existing building. A new disabled ramp is proposed to the east of the building, allowing for disabled access into the café.

3.2 The proposal would involve the relocation of the foreshore access route 4m further to the south than its existing position. The size and orientation of the bell mouth would remain the same as the existing access and visibility for egressing vehicles will remain acceptable. A pedestrian footpath is proposed around the newly extended building and new crossing point proposed across to the foreshore hardstanding.

4.0 History

13/01156/FUL	PER	Proposed extension to existing kiosk creating a permanent cafe.
13/02018/DOC	DOCDEC	Discharge of Condition Nos. 5 (i-vii) and 6 from permission EWB/13/01156/FUL.
14/02299/PD	REC	Proposed extension.
14/02725/FUL	PER	Single storey extension on the northwest elevation.
15/00380/NMA	PER	Non material amendment to planning permission EWB/14/02725/FUL. To substitute 'Letterbox' style window for a larger style window.
15/02699/FUL	PER	Change of use to outdoor seating area and stationing of catering trailer.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION: The Parish Council agree that, in principle, it is a good idea, but is concerned about the layout. It suggests that a barrier should be installed at the end of the disabled access ramp. Concern was also raised about whether a drop down post on the south west corner of the new build is sufficient protection for pedestrians and disabled users. The Parish Council supports concerns stated by the Foreshore Office, Estates Department and Highways around access to a pathway, parking spaces and coastal protection. The loss of parking spaces on this busy seafront, which provides the majority of access to the beach in Bracklesham will be detrimental for our visitors. The proposal removes the public footpath from the south elevation of Billys creating conflict with pedestrians and vehicle movements as people would be forced on to the road to access the beach, Billys Café, the car park and the public toilets.

6.2 WSCC Highways

7th September

The Local Highways Authority (LHA) has been provided additional information relating to the red edge boundary, additional information also includes various queries raised by the parish council and responses from the applicant.

The amended plan has outlined an alternative site boundary plan, however does not change any of the design to that previously commented upon by the LHA.

The LHA would like to address several points from various representations made on the Chichester Planning Portal.

- It has been outlined that currently tables and chairs at Billys on the Beach spill out onto the highway with pedestrians forced to be routed into the slipway. The inclusion of an established decking with chairs and tables encloses restaurant visitors into a designated area, allowing free flow of pedestrians on the footway and alleviating the requirement for pedestrians to be routed into the Highway.
- Parking is not altered by this proposal; therefore any existing parking and amenity matters will be a matter for the Local Planning Authority to consider.
- Finally, any alterations to the direction in which traffic is directed around the car park would be required to be dealt with by the proprietor of Bracklesham Lane Car Park.

- Would it be feasible to re-site the Catering Van so as to position the opening hatch facing to the west? Pedestrians would then be encouraged to stand within an area separate to vehicles and may alleviate some of the local concerns.

The plans as submitted do not materially alter from those previously commented upon by the LHA, therefore no highways objections would be raised from this proposal.

19th July - Summary

The applicant is seeking to extend the existing restaurant and relocate the access further south of the development. The Local Highway Authority (LHA) were previously consulted regarding this proposal and requested further information from the applicant regarding the existing and proposed parking layouts. The applicant has now provided this documentation.

Comments

The plans demonstrate that parking remains as existing within the car park and no alterations will be made to the layout or arrangement of these spaces. The internal access alterations onto the Slipway will be arranged via a Minor Works agreement with the Area Office. The applicant will be required to approach the Area Officer to obtain a license to carry out these works in the highway. Adequate space is considered for vehicles to manoeuvre within the amended layout.

The LHA query the requirement for the need and function of the bollard which appears beside the gate within drawing no. 10057 - DPA - 07. Removal of this would improve accessibility around the site. This matter would however be discussed at the detailed design stage with the Area Engineer.

Parking restrictions are enforced along the publicly maintained highway in the vicinity of the site to deter visitors from parking in unsafe locations. Any overflow parking that occurs on the public highway in a dangerous position on road or obstructing free passage of highway could X be dealt with as an offence under Section 22 Road Traffic Act 1988 and Section 137 Highways Act 1980 (respectively). Both of these acts are enforceable by Sussex Police.

Conclusion

Based on the consideration that this proposal does not alter the existing parking arrangement and the proposed would not be anticipated to generate a material intensification over the existing use in this location, the LHA raise no objections to this proposal.

6.3 CDC Environmental Health Officer

No Objection to proposal.

It does not increase the number of outside tables so there should be minimal change in noise to neighbouring residents. I would ask that a condition be attached to any consent granted to prohibit the use of any form of music or amplified speech in the new covered area to minimise the potential for noise nuisance. I appreciate that persons may be sat out longer under the covered area than in the existing open area

6.4 CDC Drainage Engineer

7th July

We have reviewed the updated plans, it is now clear that alterations to the back of the sea wall are proposed. We are satisfied that we have covered this in our consultation response on the 17th May 2017, and therefore have no further comments to those made by us on the 12th and 17th May which remain relevant.

17th May

We would like to make comments in addition to those we made on 10th May 2017. Having been made aware of potential access issues with the proposed new alignment we visited the site on 16th May 2017. During which it was considered that there may need to be alterations undertaken to the concrete apron, which is an integral part of our sea wall. In principle we are not opposed to minor alterations to this apron subject to no increase in flood risk or overtopping. We recommend if the application is approved that an advisory be added which makes it clear that consent of the Coast Protection Authority (Chichester DC) will be required for any alterations to the sea wall / apron. This will be an additional requirement to planning permission. To relocate the public highway an area of tarmac will need to be removed which will leave an exposed face of the apron. From a visual and structurally perspective (to prevent possible undermining of the concrete deck) it would be helpful to see details of how this area will be finished. From a structural perspective this could be covered by the consent process.

12th May

Flood / Erosion Risk - The property is located adjacent to the coast, The policy (subject to funding) for this frontage is "hold the line" and the site currently benefits from a concrete sea wall and a healthy shingle beach. We have no objection to the proposed location of the extended restaurant.

The access which is proposed to be moved, is required by the council for services including coast protection works, including emergency response. We would like some assurance, and recommend that it be conditioned that access for our plant is maintained throughout the construction phase. We envisage this to mean that the new road layout will need to be useable before the old access is closed.

Surface Water Drainage - Although there is limited information on the proposed means of surface water drainage the application states "main sewer". This is not an acceptable approach and were commend the application is not approved until they submit an acceptable approach.

6.5 CDC Foreshore Officer

I object to the current proposals on grounds of Public safety, Accessibility and the detrimental effect it would have on the day to day operations of the Foreshores service.

Public safety

The proposal removes the public footpath from the south elevation of 'Billy's' creating conflict with pedestrians and vehicle movements as people would be forced on to the road to access the beach, Billy's cafe, the car park and the public toilets.

The proposed extension would inhibit sight lines for vehicles manoeuvring through the entrance to the Foreshore Office and slipway. This creates potential conflict between pedestrians and vehicles. Members of the public, the Foreshore service, rescue services and contractors use this entrance to access the beach and Foreshore Office.

The proposed south west corner of the extension is immediately adjacent to the roadway which will make it vulnerable to collision from manoeuvring vehicles and trailers. Putting customers at risk.

Once we've recovered a boat up the slipway the boat has to exit through the car park so we unhitch the boat trailers by the gate. Moving the entrance several metres southwards. There is a risk the trailers will run down the slope and cause an accident. There appears to be no safety barrier at the bottom of the cafe entrance ramp which would act as a barrier to stop people (particularly children and those with mobility issues) from walking in to the path of oncoming vehicles.

Accessibility

The proposals appear to mean that the slope to the concrete apron will be removed, with a new dropped kerb on the 'Foreshores' side of the gate. This restricts access to those with mobility requirements. The proposal needs to include a new slope on to the concrete apron from the car park side as currently exists.

If the gate is locked horses can access the slipway by walking around it. The proposal will present a hindrance to horse riders when the gate is closed as the slope is removed to the apron from the car park side of the gate. A 1m wide access at the side of the gate is not sufficient for horse access.

6.6 Third Party Comments

5 letters of objection have been received, raising the following concerns;

- a) Highway safety concerns
- b) Impact on foreshore services
- c) Loss of parking
- d) Health and Safety implications

41 letters of support have been received, raising the following matters;

- e) Economic benefits for local area
- f) Allows continued growth and support to meet demand

6.7 Applicant/Agent's Supporting Information

- i) I can confirm that the post referred to in the objection comments are in fact on the edge of the roadway and not on the pavement. This is due to the plans.
- ii) I can confirm that existing flush level between the carpark area and the access to the restaurant would be maintained. There will be no new steps, we have suggested that the edge of the roadway could be defined by line markings which would improve the current position.
- iii) The proposed design does move the access and barrier (gate) further over onto the location of the current concrete apron. The design however keeps exactly the same radii for the bell-mouth and the same width of access road to the ramp.
- iv) The access to the van is not part of this application, however we would note that the proposed arrangement should not negatively impact on the current arrangement. I note at the time of writing that Highways have not expressed any objection to the proposal. I also understand that outside of this application discussions are underway about the possibility of having some form of temporary barrier in place to allay the concerns raised.
- v) There is no requirement to unhitch the trailers any further down the slope. The trailers can be pulled as far forward as they currently are. We note also that WSCC highways have raised no objection.
- vi) The proposal does not affect the access to the WCs

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for East Wittering at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
 Policy 2: Development Strategy and Settlement Hierarchy
 Policy 29: Settlement Hubs and Village Centres
 Policy 38: Local and Community Facilities
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk
 Policy 44: Development around the Coast
 Policy 49: Biodiversity

National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), section 7.

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of the development
- ii) Character of Area
- iii) Highway Safety
- iv) Impact on the amenities of neighbouring properties
- v) Other Matters

Assessment

- i) Principle of the development

8.2 Local and National Development plan policies have a general thrust towards supporting the economic growth of businesses. Policy 3 of the Local Plan places a strong emphasis on promoting enterprise and creating an environment which will encourage local business to grow. As such it is considered that the growth and expansion of such a business is supported by policy, subject to material considerations, including visual impact and highway safety as set out below.

- ii) Character of area

8.3 The existing building has been designed, through the use of coloured composite cladding, to be characterful and reflect its beach side location. The extension would project 6m to the south of the building and would comprise an aluminium structure, cladding at the lower wall levels and a retractable PVC fabric canopy, forming an enclosed outdoor seating area. The level of projection, style and form of the extension would result in a subservient structure to the main building and would provide for an enclosed seating area, reducing the visual clutter from the table and chairs which currently are located directly to the front of the building.

iii) Highway Safety

8.4 The proposal would result in the relocation of the existing access route, to allow for extension. This would be moved 4m further to the south and would involve removal of a portion of the existing hardstanding. There would be no alteration to the location of the catering van to accommodate this change to the access road. Furthermore, it would not be necessary to reduce parking provision in order to accommodate the extension of the access road.

8.5 Concerns have been raised by third parties and the foreshore officer about the ability to adequately turn vehicles when entering the foreshore access road. Through the course of the application the route of the road has been amended and now allows for vehicles and trailers to have adequate turning and manoeuvrability. The new bell mouth would provide for the same manoeuvrability as the existing, with the similar visibility in each direction for egressing vehicles. No objection has been raised by WSCC (highways). The gated entry point has been set 8m away from the car park, in a similar location to the existing, allowing for vehicles with trailers to pull clear from the car park access road. The Council's Drainage Engineer have advised that due to the requirement to continually access the foreshore, the existing access route must be kept in use through the construction phase of the new route. It is considered that this requirement is reasonable and should therefore be the subject of condition to any permission.

8.6 The creation of a formal enclosed seating area would improve the current situation which exists on site, with regard to highway safety. Tables and chairs are located to the front of the existing premises and are inevitably moved around to accommodate those using them, with reports of incidences where the seating has blocked the public footpath. By enclosing the seating area it would prevent the overspill and spread of seating and allow for a clear delineation between the footpath and the seating area. The proposal would also provide for a pedestrian crossing place over the foreshore access, allowing for a safer and clearer crossing point for pedestrians and car users. This would be an improvement from the existing arrangement currently in place.

iv) Impact on the amenities of neighbouring properties

8.7 The site is set some distance from neighbouring residential properties; >40m at an oblique angle to the north, >30m to the west and >70m to the east. Due to the prevailing winds noise travels west to east. There is potential for some noise to travel particularly due to the more open nature of the seating area at it is therefore considered necessary to condition the opening hours of this area to prevent any noise or disturbance during the evenings. It is also considered important to condition the amount of seating provision in this location, to limit any potential for adverse disturbance.

v) Other Matters

- 8.8 Concerns have been raised from third parties about the catering van and how this is operating in terms of a queuing system. This does not however form part of this application, and the merits of repositioning of the trailer would fall outside of the consideration of the matter to hand.
- 8.9 The proposal would result in the reduction in the outdoor seating area as approved by application EWB/15/02699/FUL. Therefore should a greater capacity of seating be required in the future this would require a further planning application and would be subject to consideration of the relevant merits of such a proposal at that time.

Conclusion

- 8.10 Based on the above assessment it is considered the proposal by reason of its design and form would result in a subservient form of development. The inclusion of a pedestrian footpath and safe crossing point would ensure safety of highways users complies with development plan policies and therefore the application is recommended for approval.

Human Rights

- 8.11 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans:

Reason: To ensure the development complies with the planning permission.

3) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

(a) the anticipated number, frequency and types of vehicles used during construction,

- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

4) Notwithstanding any details submitted **no development to the extension shall first commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

5) Notwithstanding the details as provided with the application **No development shall commence** until details of the proposed overall surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

6) Prior to the construction of the extension or any demolition or removal of the existing access road, the new access route shall first be laid out and constructed in accordance with the approved plans. The existing access shall be retained until such time as the new access can be brought into first use.

Reason: To allow the continued safe access to the foreshore in the interests of health and safety.

7) The extension hereby approved shall not be brought into first use until such time as the pedestrian footpath and pedestrian crossing are first laid out in accordance with the approved plans.

Reason: In the interests of safety.

8) The A3 use hereby permitted shall not be used by customers outside the hours of:
- 08.00 and 22.00 Mondays to Sundays

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

INFORMATIVES

1) 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.

2) The applicant is respectfully reminded that this is an application for planning permission only. It does not approve or agree to the extension as part of the leasehold of the site. The applicant must first enter into such agreements with the Land Owner before planning permission is implemented.

3) The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

For further information on this application please contact Caitlin Boddy on 01243 534734