

Recommendation Report for Planning Permission

REF NO: LU/115/20/PL

LOCATION: 5 Arundel Road
Littlehampton
BN17 7BY

PROPOSAL: Retrospective planning application for minor external alterations comprising the position of the bin storage area, external storage container & condenser enclosure.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application relates to changes to the scheme approved under LU/164/19/PL. The previous permission related to change of the existing unit from Class A1 (retail) use to Class A5 (hot food takeaway) use, together with alterations to the building elevations and roof associated with plant installation to serve the proposed Class A5 use.

This proposal seeks to regularise the location of the bin storage area, comprising lockable 2 wheelie bins, a 'metal shed' storage container, located on the boundary of the car park and the condenser enclosure. The storage shed has a shallow pitch roof. One refuse bin is for general waste and one is for cardboard recycling.

The 'metal shed' is used for storage of empty dough trays which are collected by the food delivery vehicle on a weekly basis. The Environmental Health Officer requested that these are stored in an enclosed area. There is no suitable location within the premises itself so it is necessary for it be externally provided.

TOPOGRAPHY

Predominantly flat.

BOUNDARY TREATMENT

No boundary demarcation to front of premises. Walling enclosing parking area. Gated access to rear.

SITE CHARACTERISTICS

The site comprises a single storey unit within a small parade (comprising 3 units) at the western end of Littlehampton Town Centre, covering an area of approximately 847sqm. The unit has a gross internal area of 102.9sqm and incorporates a sales floor area with a back-office area, staff kitchen and WC. The shopfront is predominantly glazed with a single door on the left hand side of the unit, adjacent to a window display area. There is a retractable canopy above the existing shopfront. The previous use was a retail unit for trophies and medals.

To the west of the unit is a loading and bin storage area accessed from Albert Road. A private car parking area to the north of the site, containing 10 spaces, is reserved for customers of the 3 units within the parade

CHARACTER OF LOCALITY

The site fronts Arundel Road, which joins the High Street approximately 40m to the south. It is bound by residential and retail uses to the north and south, and Arundel Road to the east (with Littlehampton United Church on the opposite side of the road). Further to the south is the High Street, which contains a mix of retail uses, with residential accommodation at first floor level.

RELEVANT SITE HISTORY

LU/38/20/PL	Variation of condition imposed under LU/164/19/PL relating to condition 2-plans to facilitate revised position of air intake flue.	ApproveConditionally 06-04-20
LU/164/19/PL	Change of use from trophy/medal shop (A1 shops) to hot food takeaway (A5 Hot Food Takeaway), shopfront amendments, installation of extract outlets on north & west elevations, installation of condenser unit on north elevation & installation of roof-mounted extract flue & fresh air intake pipe.	ApproveConditionally 04-10-19

REPRESENTATIONS

Littlehampton Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary
 Town Centre
 Secondary Retail Frontage
 Economic Growth Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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.

Relevant policies of the Littlehampton Neighbourhood Plan have been considered in determination of this application.

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 there would be no materially adverse effect on visual and residential amenity.

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

PRINCIPLE

The application only relates to the siting of the bin storage area, the condenser enclosure and a metal storage shed. All other matters relating to the permission remain unaltered. The external alterations are located in the shared yard to the rear of the unit which is currently used as an informal area shared by 3, 4 and 5 Arundel Road.

The key policy consideration in the determination of this application are deemed to be DDM1 and QESP1 of the Arun Local Plan which refer to the impact on visual and residential amenity. Policy 1 of Littlehampton Neighbourhood Plan states that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

This application seeks retrospective permission for the alterations to reflect the current siting of matters included within this application.

VISUAL AMENITY AND CHARACTER

The minor changes to the layout and addition of small structures are not readily apparent and do not visually increase the prominence of the development as a whole. They have a low profile and are not readily visible from outside of the site being screened by the application unit, walling and other adjacent structures. The alterations are in keeping with the character of the area and appearance of the building and have no adverse impact on visual amenity in accordance with policy D DM1 (1).

RESIDENTIAL AMENITY

The position of the structures within the rear yard area which are relatively close to adjacent residential properties would not give rise to material harm to residential amenity of adjoining properties given their enclosed nature and size and would accord with policies DDM1(3) and QE SP1. The environmental health officer has no comment on the application.

IMPACT ON HERITAGE ASSET

The proposed bin store and structures do not immediately abut the curtilage of 7a High Street to the north, which is a locally listed building. The car park serving the premises provides a physical and visual barrier between the structures and the asset. Therefore given the limited size of the structures and the separating distance from the asset there is not considered to be any adverse impact on its setting and the proposal is in accordance with policy HER SP1 of Arun Local Plan and Policy 17 of Littlehampton Neighbourhood Plan. There are no alterations to the locally listed building proposed and therefore policy HER DM2 is not relevant to consideration of this application.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such 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 approved shall be carried out in accordance with the following approved plans:

Drawing No. 19034-11 Rev F - Proposed elevations
Drawing No. 19034-17 Rev B - Roof Plan proposed
Drawing No. 19034-22 Rev A Location and Block Plan
Drawing No. 19034-10 Rev E - Proposed Ground Floor

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.

- 2 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.
- 3 INFORMATIVE: This permission relates to the changes to bin store, condenser enclosure and storage shed only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number LU/164/19//PL remain in force and must be complied with.