

Recommendation Report for Planning Permission

REF NO: LU/120/17/PL

LOCATION: Tesco Express
16 Finisterre Way
Littlehampton

PROPOSAL: Means of escape (MOE) door to be blocked at side, new MOE door to rear & new plant inside courtyard.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	20 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	A 2 metre metal mesh fence to the rear plant area of the Tesco's store.
SITE CHARACTERISTICS	A modern single storey local convenience store also described a local supermarket located on a corner site within a residential area.
CHARACTER OF LOCALITY	A primarily residential area of Littlehampton on the local distributor road including a bus corridor linking Littlehampton and Rustington. The store faces a local area of open space.

RELEVANT SITE HISTORY

LU/146/03/	Minor shopfront alterations and increased refrigeration plant to rear.	ApproveConditionally 06-06-2003
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The application is for refrigeration units which have received planning approval in a previous application at the site.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environmental Health

Consultations responses received:

ADC Environmental Health - No objection subject to approval of a specific refrigeration unit for sound attenuation purposes.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

PD RESTRICTION

OPEN PLAN COND

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7
GEN32

Built-up Area Boundary
The Form of New Development
Noise Pollution

Publication Version of the Local
Plan (October 2014):

SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D SP1 Design
QE DM1 Noise Pollution

PLANNING POLICY GUIDANCE

NPPG
NPPF

National Planning Practice Guidance
National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can

carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

No policies in the Littlehampton Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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

PRINCIPLE

The site lies within the built-up area boundary where commercial development is acceptable in principle subject to development control criteria being met.

VISUAL AMENITY AND CHARACTER OF THE AREA

The area is mixed in character with predominantly 2 storey residential uses surrounding a modern ground floor local convenience store. The property has an alleyway (where the new MOE door is to be located), a service compound (where the new plant including refrigeration apparatus is to be installed) and servicing areas/hardstanding to the rear of the property to the back.

Aside from a change in the rear fencing around the service compound from a palisade to a mesh fence no significant visual alterations are proposed. The location of the works is to the rear of the property and would not have a significant impact on the street scene.

The proposal is considered to accord with policy GEN 7 of the Arun District Local Plan with respect to visual amenity and character of the area.

RESIDENTIAL AMENITY

The ground floor use is established and should not result in additional noise and disturbance to residential dwellings

The proposed new plant has been assessed by the councils Environmental Health team. Subject to a condition specifying the refrigeration system to be used it is not considered that the proposed works would cause any adverse impact or noise pollution on the amenity of nearby residential properties nor would it cause overlooking, loss of privacy or loss of light to any adjacent occupiers.

For the reasons set out above the proposed application is considered acceptable in residential amenity terms in accordance with policy GEN 32 and policy GEN 7 of the Arun District Local Plan.

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CONCLUSION

The application 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;
Dwg.no.B419-2_01 - Site Location Plan dated April 2017
Dwg.no.B419-2_02 - Block Plan dated April 2017
Dwg.no.B419-2_04 - Proposed Floor Plan dated April 2017
Dwg.no.B419-2_05 - Proposed Plant details- Plan and Elevations dated April 2017
Dwg.no.B419-2_07 - Proposed Rear Elevation dated April 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 The re Fridgeration unit approved under this application shall be a Space Engineering Services Classic C. Mini P M (Packaged) M - Range refrigeration Unit. The unit to be used shall not be altered or amended without the submission of details of an alternative unit and written approval from the Local Planning Authority.

Reason; For the avoidance of doubt and in the interests of neighbours amenity and the prevention of noise pollution in accordance with policy GEN 32 of the Arun District Local Plan.

- 4 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.