

Recommendation Report for Planning Permission

REF NO: LU/137/14/PL

LOCATION: A2B 24hr Taxis
2 East Street
Littlehampton

PROPOSAL: Change of use from A2 (Financial and Professional services) to Taxi Office (Sui Generis) & additional use for sale of taxi equipment.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal relates to use of the premises as a taxi office.
SITE AREA	26 square metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The premises are located on the site boundaries
SITE CHARACTERISTICS	Detached 2 storey dwelling. Cream painted elevations. Grey roof. Brown shop front retained at ground floor.
CHARACTER OF LOCALITY	The site lies within the town centre. Sandwich shop to north. Pub and hairdressers opposite.

RELEVANT SITE HISTORY

LU/36/01/	Replacement of existing shop front windows and entrance doors with new aluminium framed windows and doors.	ApproveConditionally 23-03-2001
LU/203/04/	Change of use only from A1(Retail) to A2 (Office) use.	ApproveConditionally 24-06-2004

REPRESENTATIONS

Representations received:

Littlehampton Town Council
No Objection

Comments on Representations received:

None

CONSULTATIONS

Economic Regeneration
WSCC Strategic Planning

Consultations responses received:

County Highways - The site is sustainably located. The proposed use is unlikely to generate a significant change in the number of vehicular movements visiting the site in terms of staff or visitors. The site is also in close proximity to designated taxi drop off and pick up points for walk in bookings.

No anticipated highway safety concerns would be raised.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Class A road
Principal Shopping Area
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[AREA19](#)

The Form of New Development
Primary Shopping Frontages

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
RET DM1 Retail Development

PLANNING POLICY GUIDANCE

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.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 use has already commenced.

The premises are located in the town centre within the principal shopping area, but not within the Primary Shopping Area. It is therefore required in accordance with policy that the use of the site should serve a complimentary function to the main retail centre (para 2.32 of Arun District Local Plan). The provision of taxis to and from the town centre would meet this criteria.

Change of use of the premises is acceptable and complies with policy AREA19 provided that it does not result in a concentration of non-retail uses to the detriment of the vitality of the town centre. The site was previously used as offices and was therefore already in non-retail use prior to the change of use taking place and the use does include some ancillary retail sales. A window display should also be retained. Whilst there is no window display the shop front is retained and provides an open view into the premises. Other retail premises in the town centre do not have window displays.

The use would operate with no more detrimental effects on the character or amenities of the area through smell, litter and noise and the application therefore accords with policy AREA19. The abutting highway is used as a taxi rank and so the use of the area for picking up customers is not affected by this proposal.

County Highways have no objection to the proposal.

The application is recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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(the right to respect for 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 neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Location and Floor plans
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.