

Recommendation Report for Planning Permission

REF NO: LU/164/19/PL

LOCATION: 5 Arundel Road
Littlehampton
BN17 7BY

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application relates to the proposed change of use 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. Operating hours for the proposed Class A5 use were originally requested to be 11:00 to 23:30 on Mondays to Sundays, but the agent has agreed a reduction in the hours proposed to 10:30 and 23:00 hours Monday to Saturday and 10:30 to 22:00 hours on any Sunday, public or Bank Holiday.

To accommodate the operational requirements of the proposed occupier, it is proposed to change the existing shopfront to a powder coated aluminium frame around the window and door. The door would be relocated to the right hand side of the shopfront, and the existing canopy would be removed.

It was proposed to install a wall-mounted condenser unit on the western elevation, and extract outlets on the northern and western elevation, but during the course of the application the location of the condenser has been amended to the north elevation of the property. An extract flue and a fresh air intake pipe are proposed to be installed on the roof.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

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.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No Objection.

9 Objections:

- Consideration of Policy RET DM1 of Arun Local Plan is required, with regard to town centre uses within secondary shopping frontages which states that food and drink uses will be permitted if there is no detrimental effect on the character or amenities of the area through smell, litter or noise.
- This site is defined as secondary frontage. It is located very close to residential properties.
- A number of the hot food takeaways already located in Littlehampton Town Centre attract large numbers of people congregating throughout the day and evening, litter and noise, especially late evening.
- If this site is not viable for an A1 shop use then it would be preferable to seek to turn it into residential.
- Increased noise, smell, parking and disturbance.
- Arundel Road is not suitable for Take Aways as it increases risk to the public by heavy traffic. Small car park will be used much more and will increase risk and delays.
- Applicants should consider High Street instead.
- Already have the smell of Famous City in our garden and that it much further away than this proposal.
- There is no benefit to the local community.

COMMENTS ON REPRESENTATIONS RECEIVED:

All material planning considerations made are addressed in the conclusions section of this report.

CONSULTATIONS

Environmental Health

Economic Regeneration

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Economic Development - No Objection.

County Highways - No Objection.

The proposal would not have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The site is located in a sustainable location well connected by public transport. There is a bus stop to the front of the site as well as several others close by, offering connections towards Angmering and Chichester. Littlehampton train Station is located approximately 160 metres away from the site. Public car parks are also situated within walking distance.

Environmental Health - No Objection. Conditions suggested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
QESP1	QE SP1 Quality of the Environment
QEDM3	QE DM3 Air Pollution
TSP1	T SP1 Transport and Development

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

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.

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.

Policy 1 'The Presumption in Favour of Sustainable Development' is relevant to consideration 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 impact on the character of the area or residential and visual 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 site falls within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policy consideration in the determination of this application is deemed to be DDM1 of the Arun Local Plan. In addition, the application site falls within the town centre and within a Primary Retail Frontage and as such it is considered that policies RET SP1 and RET DM1 of the Arun Local Plan are also applicable. The proposed change of use is in response to expressions of interest from potential occupiers, and would allow the applicant to better ensure the continued active use of the town centre unit.

IMPACT ON TOWN CENTRE

The application premises have been vacant since November 2018, with no expressions of interest being received from Class A1 retail occupiers. However, expressions of interest have been received from Class A5 operators. Accordingly, planning permission is sought to change the use of the premises from Class A1 (retail) to Class A5 (hot food takeaway).

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. The site is located within a secondary shopping frontage within the designated Town

Centre and is also within an Economic Growth Area.

The Town Centre contains a range of retailers and services and there is a need to enhance the variety of outlets in order to improve footfall at the peripheries. There is also a need to address vacancies within the Town Centre to ensure its continued vitality and viability. National planning policy requires Local Authorities to allow town centres to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing a suitable mix of uses that reflects their distinctive characters. Local policy also supports development proposals that would enhance the vitality of designated town centres by diversifying customer choice, aiding economic resilience, improving the range of facilities and enhancing competitiveness.

The Council's vision for Littlehampton Town Centre is to increase its vitality and viability as a place to visit, shop and do business. In accordance with prevailing planning policy at all levels, the proposed development would make a contribution to reducing vacancies, increasing footfall at the town periphery, and ensuring that Littlehampton is a diverse, resilient and successful town centre.

The Council's intention to maintain the existing hierarchy of retail centres within the District is set out in Policy RET DM1, which also advises that development proposals that accord with this objective will be permitted, provided that criteria relating to design standards, accessibility by public transport, equal access and crime prevention measures are met. Policy RET DM1 does not preclude Class A5 uses, but does not specifically refer to them. It requires applications for A3 uses to be accompanied by details of the provisions for the extraction of fumes and cooking odours and the provision of areas for the collection of waste. It also states that proposals for Class A1 uses will be permitted along the secondary shopping frontages, as defined on the Policies Map. A3 uses are acceptable provided any proposal does not create a concentration of non-retail uses as discussed above but also that provision is made for a window display, appropriate to a shop front, which is in keeping with the character of the shopping area and there is no detrimental effect on the character or amenities of the area through smell, litter or noise

It is acknowledged that the proposal would provide an additional takeaway unit when this type of use is already prevalent in the town centre and therefore the variety and range of services available to visitors is limited by the application since it would provide a use that is already well provided for. However it is considered that the proposal would accord with policy RET DM1 of the Local Plan in that it would not result in a concentration of non-retail uses in this particular parade of outlets in the town which comprises three units in total, the other two units in the parade are in Class A1 use. Any additional takeaway use would not be to the detriment of the vitality of the town centre since it is preferable to have units occupied rather than remaining empty.

The proposed amendments to the existing shopfront would retain a window display area on the unit's Arundel Road frontage, as required by policy. This would allow for provision to be made by the occupier for a window display that is appropriate to a shop front and is in keeping with the prevailing character of the Arundel Road Secondary Shopping Frontage. With regard to the policy requirement to provide details of the provisions for the extraction of fumes and cooking odours, these are included with the application. The proposed Class A5 use would utilise a ventilation system, an extract hood with filters, and extraction system to deal with fumes and odours arising from the cooking operation. A wall-mounted condenser unit is proposed.

Paragraph 85 of the NPPF advises that planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth management and adaptation. Local authorities should promote the long-term vitality and viability of their defined town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries and allow a suitable mix of uses and reflects their distinctive characters.

Policies Map 4 (Littlehampton and Surrounding Area) of the Local Plan confirms that the site is located within the Littlehampton Economic Growth Area and Littlehampton Town Centre, where it is part of a Secondary Retail Frontage. Policy RET SP1 identifies Littlehampton as a Town Centre that would be the main focus for major retail, leisure, commercial, office, tourism, cultural, community and residential development. It states developments aimed at the sustainable economic growth and social wellbeing of the Town Centre will be positively welcomed by the Council. Such developments are seen as diversifying customer choice, aiding economic resilience, improving the range of facilities and enhancing competitiveness. Similarly, Policy EMP SP2 states that development that increases the vitality of the town centre will be encouraged.

The Arun Retail Study (2016) provides further information on retail provision in Arun and in paragraph 4.4 states that "retail development on its own is unlikely to attract investment." Instead, it is recognised that the best chances of securing significant investment in the District's Town Centres are likely to involve a mix of uses. Specifically, the report states that "the key to obtaining any town centre investment is flexibility" and a narrow focus on Class A1 retail uses could inhibit other developments which would enhance the centres' vitality and viability.

The supporting information submitted with the application refers to a number of vacant units (which has increased over the last year), and the need to improve footfall at the peripheries of the Town Centre. Investment in the Town Centre is therefore required to ensure its continued vitality and viability. The Council's Retail Study (2016) acknowledges the need for a mix of uses to be accommodated within the Town Centre in order to attract and secure investment, and recognises that "the key to obtaining any town centre investment is flexibility". The proposed change of use of the application site would make an important contribution to ensuring that Littlehampton remains a competitive, resilient and vibrant town centre, with a wide variety of retail, service and leisure offers for the local community. Therefore, in light of the above, it has been demonstrated that the proposed change of use to a Class A5 (hot food takeaway) would not jeopardise the function of the Town Centre, but would further enhance its economic resilience and vitality. Accordingly, the proposed change of use is considered to comply with national and local policy seeking to ensure the vitality of town centres.

VISUAL AMENITY AND CHARACTER

To accommodate the operational requirements of the proposed occupier, the proposal includes a change to the existing shopfront to a powder coated aluminium frame around the window and door. The door would be relocated to the right hand side of the shopfront, and the existing canopy would be removed. These alterations would be in keeping with the character of the area and would retain the retail appearance of the unit in accordance with policy D DM1 (1).

RESIDENTIAL AMENITY

An Odour Assessment and Noise Assessment have been submitted with the application. These documents demonstrate that the proposed development would not give rise to unacceptable impacts on neighbouring receptors. In addition, the position of the condenser unit has been amended so that it is installed on the north elevation of the property. Specifically, the condenser unit has been relocated from the south of the rear door to the north of the door. The submitted reports are based on this revised location.

In terms of the delivery of goods and supplies, the site benefits from an existing service area to the west of the Unit, accessed from Albert Road. The proposed use is expected to be served by 3 no. deliveries per week (2 no. food deliveries and 1 no. drinks deliveries). Takeaway deliveries from the site would be distributed principally in the afternoons and evenings seven days a week.

The Environmental Health officer has considered the submitted noise and odour reports and has raised

no objections subject to the imposition of appropriate conditions. Further, given the close proximity of the site to residential properties and the potential for noise and activity levels to be increased outside of the opening times associated with the former A1 use a condition is suggested restricting opening hours and delivery times. The proposed operating hours which are controlled by condition have been reduced to protect the residential amenities of adjoining occupiers and have been agreed with the environmental health officer. On this basis the proposal would not result in material harm in respect of noise or odour and would accord with policies DDM1(3), QE SP1, QE DM1 and QE DM3.

PARKING

The site is sustainably located in the town centre with easy access to shops, pubs and restaurants and the station and bus stop are within walking distance. No changes to the existing access arrangements to the servicing and loading area to the west of the site are required as part of the proposed development. Similarly, no amendments to the existing shared parking area to the north of the site are proposed. It therefore reduces reliance on the car in accordance with policy TSP1 of Arun Local Plan.

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 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:

Location Plan 1- 915-02 Rev C
Block/ Site Plan 1915-03 Rev C
Existing Floor Plan 1915-04 Rev A
Existing Elevations 1915-05 Rev A
Proposed Floor Plan 1915-06 Rev C
Proposed Elevations 1915-07 Rev C
Change of Use Floor Plans 1915-08 Rev B
Existing Roof Plan 1915-09
Proposed Roof Plan 1915-10

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 3 The extraction system shall be constructed and retained in perpetuity in accordance with the WYG Odour Assessment dated June 2019 and prior to first use of the premises as a hot food takeaway (Class A5), details of the means of odour control required to achieve a 0.4 second retention time through the activated carbon filters to be submitted for approval by the Local Planning Authority. These details shall include the specification for the type of prefilter to be provided and be retained in perpetuity.

Reason: To prevent detriment to the amenity of neighbouring properties in accordance with policies D DM1, QE SP1, and QE DM3 of Arun Local Plan.

- 4 The development shall be carried out in accordance with DWD's Planning Statement, dated May 2019, Ref 13538 and Wyg Noise Assessment Revision 3, dated June 2019, and the Wyg Additional Comments document, dated July 2019. The noise mitigation schemes detailed shall be permanently maintained in accordance with manufacturer's instructions and shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To prevent detriment to the amenity of neighbouring properties in accordance with policies D DM1, QE SP1, and QE DM1 of Arun Local Plan.

- 5 The use hereby approved including deliveries, retail unit opening hours, machinery operations and ventilation associated with the use shall only be operated between the hours of 10.30am to 11pm Monday to Saturday and between 10.30am and 10pm on Sundays and Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policies D DM1, QE DM1, QE DM3 and QE DM1.

- 6 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.

- 7 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500