

Recommendation Report for Planning Permission

REF NO: LU/277/21/PL

LOCATION: 2 Wick Parade
Wick Street
Littlehampton
BN17 7JQ

PROPOSAL: The retention of an automated teller machine. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Retrospective planning permission sought for the retention of an existing ATM cash point set in black laminated solid side panel within glazed and metal framed shopfront to take-away, 'Rooster Village'.
SITE CHARACTERISTICS	Ground floor commercial unit, operated as a take-away known as 'Rooster Village'. Residential flats above. Unit is located within Wick Parade, a three storey, post-war, purpose-built, parade of commercial units at ground floor level with flats on upper floors. Communal parking area to the front of the parade. Service area (with bins), garages and parking to the rear of the parade.
CHARACTER OF LOCALITY	Wick Parade is not a primary or secondary shopping frontage but is defined as a Suburban Centre (under the Arun Local Plan) and as a Local Centre (under the Littlehampton Neighbourhood Plan). Wick Parade is to the west of Wick Street within the Built-up Area Boundary of Littlehampton. Edge of town centre character with mix of residential dwellings and commercial units. Directly to the north of Wick Parade is a Grade II listed thatched cottage (Leila Cottage, no. 129 Wick Street).

RELEVANT SITE HISTORY

LU/278/21/A	Retention of 1 No. internally illuminated fascia sign & surround sign around ATM on front elevation of shopfront.	
LU/216/20/PL	Change of use from newsagents (A1 shop) to hot food takeaway (A5 Hot Food Take Away), replacement shopfront including ATM, external alterations to rear elevation & installation of roof mounted extract flue &	ApproveConditionally 08-10-20

fresh air intake pipe (re-submission following LU/84/20/PL). This application is in CIL Zone 4 (Zero Rated) as 'other development'.

LU/216/20/PL - change of use from shop (former A1 use) to hot food take-away (former A5 use), replacement shopfront, provision of ATM and new rear intake/extract flues - granted October 2020.

LU/278/21/A - current application for advert consent for internally illuminated signage around ATM. To be approved shortly.

REPRESENTATIONS

Littlehampton Town Council -
No objection.

No other representations have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

N/A.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designation applicable to site:
Built-Up Area Boundary (Littlehampton)
Suburban Centre - Arun Local Plan
Local Centre - Littlehampton Neighbourhood Plan
Grade II listed building (Leila Cottage) to north of Wick Parade

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)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary
RETSP1	RET SP1 Hierachy of Town Centres
EMPDM1	EMP DM1 Employment Land: Development Management

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

The policies contained within the made Littlehampton Neighbourhood Plan are relevant in the determination of this planning 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."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal is considered to comply with relevant Development Plan policies in that it has an acceptable visual impact in respect of the appearance of the building and the local area, on neighbouring residential amenity and parking and highways. It also enhances the existing facilities within the Suburban/Local Centre of Wick Parade.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**KEY ISSUES:**

The key issues in the determination of this planning application is as follows:

- Visual impact
- Residential amenity impact
- Parking and highways impact
- Enhancement of suburban/local centre

VISUAL IMPACT:

Para 124 of the NPPF states that planning decisions "should support development that makes efficient use of land, taking into account..." amongst other things "(d) the desirability of maintaining an area's prevailing character and setting". Para 130 requires that applications for developments (b) are visually attractive as a result of good architecture and (c) are sympathetic to local character and history, including the surrounding built environment. Para 134 states "Development that is not well designed should be refused".

Policy D SP1 of the Arun Local Plan (ALP) states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of design quality, including; character and appearance. Policy D DM4 sets out criteria for which applications relating to alterations of existing buildings must be assessed against including (a) the alteration sympathetically relates to and is visually integrated with, the existing building in siting, massing, design, form, scale and materials and (b) the alteration is visually subservient to the main building. The ADC Design SPD provides detailed guidance on alterations.

The Littlehampton Neighbourhood Plan contains no specific policies in respect of the design of minor alterations (only Policy 22 which relates to the design of major development proposals).

The inclusion of an ATM set in a solid panel within this shopfront has been established as visually acceptable under planning application ref. LU/216/20/PL. This current application provides further detailed drawings showing its size and appearance. The ATM is a modest feature that is not untypical of a modern shopfront and within a commercial parade such as this. It does not harm the appearance of the building, street scene or local area, and would thus comply with the NPPF, and policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

It is also noted the ATM has been designed at a height that makes it accessible to all users and enables wheelchair users to utilise this facility and key 5 has raised markings for blind persons to utilise it too.

In terms of crime, the ATM has been located in an open and well-lit commercial parade with natural surveillance from passers by (and likely nearby CCTV).

RESIDENTIAL AMENITY IMPACT:

Paragraph 130 (f) of the National Planning Policy Framework (NPPF) 2021 states development should have a high standard of amenity for existing and future users.

Policy D DM1 of the Arun Local Plan (ALP) 2018 states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. Policy D DM4 (c) requires that alterations do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Policy QE SP1 states the Council requires development to contribute positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity.

The ADC Design Guide SPD 2021 includes detailed guidance on the protection of residential amenity.

The Littlehampton Neighbourhood Plan (LNP) 2014 contains no policies specifically in relation to residential amenity.

The use of the ATM is available for 24 hours a day, and there are residential flats above. However, the setting is within an existing commercial parade and the use of the ATM is unlikely to result in a substantial increase in noise and disturbance to the occupiers of nearby flats, so the amenity of occupants is protected in accordance with the NPPF and policies D DM1, D DM4 and QE SP1 of the Arun Local Plan.

PARKING AND HIGHWAYS IMPACT:

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

The Littlehampton Neighbourhood Plan contains no specific policies in respect of parking provision (only Policy 22 which relates to parking provision for major housing development proposals).

Currently, parking for visitors of Wick Parade takes place at the communal car park to the front of the parade. As such, the siting of the ATM is acceptable in parking and highways terms, since it is expected that users of the ATM would also likely be using the parade so it would not lead to a material increase in trips, and its users would simply park within the communal car park to the front so there would be no increased on street parking pressure. There is adequate parking provision and it has an acceptable impact on highways operation and safety, in accordance with the NPPF and Arun Local Plan policies T SP1 and T DM1.

ENHANCEMENT OF SUBURBAN/LOCAL CENTRE :

Policy RET SP1 states that "Village and suburban centres, including shopping parades and stand alone shops form an important resource for businesses, visitors and residents. The expansion and additional provision of such facilities to a scale appropriate to the existing settlement or the planned expansion of that settlement will be welcomed by the Council provided that it adds to the range and accessibility of goods and services." Policy EMP DM1 of the Arun Local Plan states the Council will seek to enhance existing employment sites and premises, and will support appropriate proposals for upgrading and/or modernising existing premises.

The site is located within the Built-Up Area Boundary, where development should be focussed, according to policy SD SP2 of the Arun Local Plan and policy 2 of the Littlehampton Neighbourhood Plan. The site is also located within a designated Suburban Centre in the Arun Local Plan and a Local Centre in the Littlehampton Neighbourhood Plan. The provision of an ATM cash point within this location, enhances the existing commercial parade and Suburban/Local Centre, providing an important facility for local residents, visitors and the community, and accords with RET SP1 and EMP DM1 of the Arun Local Plan.

SUMMARY:

Based on the above assessment, it is therefore concluded that the proposal would comply with the development plan and is therefore recommended for approval subject to 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.

CIL DETAILS

This application is not CIL liable as it is classed as 'other development'.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Proposed ATM installation for Cashzone Proposed Plan and Elevation (drawing no. E023725 Rev 01)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1 and D DM4 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.