

Recommendation Report for Planning Permission

REF NO: LU/307/12/

LOCATION: Former Body Shop HQ
Morrissions
Hawthorn Road Littlehampton

PROPOSAL: Application for variation of condition 15 imposed under planning approval LU/271/11/ to vary delivery, loading or unloading times

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	3.18 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Tree Preservation Order on 3no. trees (2no. Sycamore & 1no. Oak) on northern boundary abutting Courtwick Lane. Many other trees on boundary to Courtwick Lane and verges between site and Lyminster Lane, together with the site and Hawthorn Road.
BOUNDARY TREATMENT	Internal boundary. Open wire fencing approx. 1.8m high. Trees/hedging on outside boundaries.
SITE CHARACTERISTICS	The site is currently undergoing the construction of a class A1 (retail) foodstore with associated servicing, car & cycle parking off Hawthorn Road, hard & soft landscaping, petrol filling station with associated kiosk & external works to existing office building to create an Enterprise Hub with new point of access off Courtwick Lane & associated landscape works & cycle parking provision.
CHARACTER OF LOCALITY	Mixture of residential and commercial. On Courtwick Lane and Lyminster Road opposite the site there are a number of residential properties. To the west of the site there are a number of commercial and office buildings.

RELEVANT SITE HISTORY

LU/307/12/

LU/271/11/	Erection of class A1 (retail) foodstore with associated servicing, car & cycle parking off Hawthorn Road, hard & soft landscaping, petrol filling station with associated kiosk & external works to existing office building to create an Enterprise Hub with new point of access off Courtwick Lane & associated landscape works & cycle parking provision	Approved Cond + S106 24-04-2012
LU/178/12/NMA	Application for a non-material amendment following a grant of planning permission LU/271/11 - various amendments	Approve 15-08-2012
LU/215/12/	Application for a Minor Material Amendment following planning approval LU/271/11 for the revised store entrance.	Approve Conditionally 05-11-2012
LU/226/12/MMA	Application for a minor material amendment to previously approved planning permission LU/271/11/ for a revision to the petrol filling station layout	Approve Conditionally 08-11-2012
LU/261/12/A	Various illuminated & non-illuminated signage	Approve Conditionally 14-12-2012
LU/112/12/DOC	Application for approval of details reserved by condition 5, 6, 11 & 16 following a grant of planning permission LU/271/11/	DOC Approved 21-12-2012
LU/281/12/	Application for variation of condition 12 imposed under planning application LU/271/11 relating to the sale of convenience goods.	Approve Conditionally 11-01-2013

LU/271/11 - Condition 12 of this consent sets prevents the Petrol Filling Station from being used for the purposes of convenience retail.

LU/178/12/NMA included a number of amendments to the scheme and the letter of approval includes a list of plans that should be read in conjunction with this application.

LU/215/12/MMA is an application under section 73 of the Town and Country Planning Act for Minor Material Amendments to the approved application LU/271/11 to alter the stores entrance canopy was approved on November 5Th 2012.

LU/226/12/MMA is an application under section 73 of the Town and Country Planning Act for Minor Material Amendments to the approved application LU/271/11 which approved the revision of the petrol filling station layout.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

- Objection, it was considered that the District Council's original conditions relating to the restriction of delivery hours to the store were reasonable and that in the interests of the nearby residents they should be vigorously upheld.

Comments on Representations received:

No comments

CONSULTATIONS

Environmental Health

Consultations responses received:

Arun District Council Environmental Health- No objections to the proposal.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area

Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN32](#)

Built-up Area Boundary
Noise Pollution

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the impact of noise on neighbouring properties.

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

The proposed Minor Material Amendment would amend the previously approved Condition 15 which restricts the hours of operation of deliveries, loading or unloading at the new A1 retail food store at Wick.

Condition 15 of LU/271/11 states:

"No deliveries, loading, or unloading shall take place outside the hours of 06.00 to 22.00 for the Food store or Petrol Filling Station hereby approved.

Reason: To safeguard residential amenity of the neighbouring properties in accordance with the Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34."

The current condition restricts deliveries, loading and unloading to operate between 06.00 and 22.00. The applicants wish to extend this to 23.00.

The applicants noise assessment highlights that the change in the impact of noise from deliveries to the store at the closest residential receptors between 22.00 and 23.00 will be of no significance acoustically compared to the approved situation when the store opens. The absolute noise level generated by the deliveries are below the guidance approved by the World Health Organisation and BS8233 in order to protect amenity.

The District Council's Environmental Health department has considered the evidence provided and has not objected to the proposed change. The loading bay is located on the western side of the store, and so it is expected that most of the noise will be shielded from the sensitive receptors on Lyminster Road and Courtwick Lane.

The proposed updated condition is as follows:

"No deliveries, loading, or unloading shall take place outside the hours of 06.00 to 23.00 for the Food store or Petrol Filling Station hereby approved.

Reason: To safeguard residential amenity of the neighbouring properties in accordance with the Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34."

It is considered that the proposed revised condition will not have an appreciable impact on surrounding residents and would not be contrary to Local Plan Policy GEN32. It is therefore recommended that the application be approved subject to the updated conditions.

As the conditions attached to this S73 application become the approved conditions for the development, a number of conditions that have heretofore been discharged have been removed from the list of conditions. As numbered in the decision letter for LU/271/11 these are: Conditions 1 (commencement has already taken place), 5, 6, 11, 16 (discharged by application LU/112/12/DOC) and condition 17 (discharged by application LU/301/12/DOC).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

PO-100 Site Plan Existing
PO-101 Site Plan Proposed
PO-110 Site Plan Landscaping Existing

PO-111 Site Plan landscaping existing and proposed trees
P1-110 Morrisons Ground Floor Plan
P1-111 Morrisons First Floor Plan
P1-112 Morrisons Roof Plan
P1-120 Enterprise Hub Ground Floor Plan
P1-121 Enterprise Hub First Floor Plan
P2-101 Morrisons Sections
P3-103 Enterprise Hub Elevations
P(000)09 Proposed Elevations
P(000)10 Proposed Entrance Tower Amendment
P(000)01 Rev B- Proposed Site Plan
P(000)20 Rev A- Proposed PFS Layout
P(000)21 - Proposed PFS Elevations

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.

- 2 Prior to first use of the food retail store hereby approved, the Enterprise Hub element of the scheme shall be completed and made available for its intended purposes for lease or rent by suitable businesses.

Reason: To accord with the stated intentions of the submitted Design and Access Statement in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 The gross floorspace of the food retail store hereby approved shall not exceed 4744 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide, 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 1,980 square metres and the comparison goods net sales area at the store shall not exceed 348 square metres.

Other than the mezzanine floors included in Drawing No p1-111, no mezzanine floors are to be inserted in any part of the building, retail floorspace or non-retail floorspace areas, whatsoever, without the prior approval of the Local Planning Authority.

Reason: To accord with the stated intentions of the submitted Design and Access Statement, and the submitted Retail Impact Assessment in accordance with paragraph 23 to 27 of the NPPF.

- 4 a) The means of vehicular access to the foodstore development, including access to the service yard shall be from the A259 only.
b) There shall be no means of vehicular access, except for emergency vehicles, to the foodstore/service yard from Courtwick Lane

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 5 a) The means of vehicular access to the Enterprise Hub development shall be from Courtwick Lane only.
b) There shall be no means of vehicular access, except for emergency vehicles, to the Enterprise Hub from the A259.

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun

District Local Plan

- 6 The buildings shall not be occupied until the parking spaces, and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

- 7 A detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the food retail store and Enterprise Hub hereby permitted. The initiatives and timescales contained within the Travel Plan shall be implemented as approved.

REASON: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan

- 8 The proposed sales area of the Petrol Filling Station as shown on the submitted drawing P(000)20 Rev A- Proposed PFS Layout, shall be restricted to 42 square metres and no more than 90% of the sales area shall be dedicated to the sale of convenience goods. Furthermore, the range of convenience goods shall be restricted to confectionery, magazines, tobacco, soft drinks, fresh foods (limited to milk, sandwiches and snacks)

Reason: For the avoidance of doubt and to accord with the stated intentions of the submitted Retail Impact Assessment and to safeguard to vitality and viability of Wick Centre and Littlehampton Town centre in accordance with the provisions of the NPPF and policy DEV26 and DEV27 of the Arun District Local Plan.

- 9 The petrol filling station shall not be brought into use until the forecourt has been laid out and surfaced in accordance with details approved by the Local Planning Authority and the forecourt shall thereafter be kept free from any displays of vehicles or goods, obstructions, erections and structures other than the pump installations.

REASON: In the interests of residential amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 10 Prior to first occupation of the food retail store a scheme which details how the development incorporates energy efficiency measures that reduce carbon dioxide and other greenhouse gas emissions shall be submitted to and approved in writing by the Local Planning Authority. The scheme should aim to incorporate on-site renewable energy equipment to meet 10% of expected energy needs of the development from renewable sources and shall be implemented as approved.

- 11 No deliveries, loading or unloading shall take place outside the hours 06.00 to 23.00 for the Foodstore or the Petrol Filling Station hereby approved.

Reason: To safeguard the residential amenity of the neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34.

- 12 If, during development, contamination not previously identified is found to be present at

the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: The site lies on the upper Chalk, a principal aquifer. Appropriate assessment of the former contaminative uses on site need to be undertaken and risk assessed so that future pollution of surface water and groundwater can be mitigated in accordance with the NPPF.

- 13 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site lies on the upper Chalk, a principal aquifer. Appropriate assessment of the former contaminative uses on site need to be undertaken and risk assessed so that future pollution of surface water and groundwater can be mitigated in accordance with the NPPF.

- 14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Upton McGougan - September 2011) and the following mitigation measures detailed within the FRA shall be implemented prior to the first use of the food retail store hereby approved:

1. Limiting the surface water run-off generated by the 1 in 100 year flood event plus climate change critical storm, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Identification of overland flood flow routes from any surcharged systems

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the NPPF.

- 15 No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme

throughout its lifetime.

REASON: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan

16 INFORMATIVE

If it is the applicant's intention to carry out any of the roadworks included in the application so that they affect maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 278 of the Highways Act 1980.

17 INFORMATIVE

The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

18 INFORMATIVE

A fee may be charged for input to, and future monitoring of, any Travel Plan

19 INFORMATIVE

The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment

20 INFORMATIVE

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39a Southgate Street, Winchester, SO23 9EH (Tel 01962 858688)

21 INFORMATIVE:

Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, GEN18, DEV26, DEV27, GEN32, GEN33, GEN34

Regional Spatial Strategy for the South-East: SEPCC1, SEPCC2, SEPCC4, SEPCC6, SEPT4, SEPRN1, SEPRN11

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 22 INFORMATIVE: The list of approved plans as set out in Condition 1 above should be read in conjunction with applications LU/178/12/NMA; LU/215/12/MMA; LU/226/12/MMA; and LU/314/12/NMA.