

REPORT UPDATE

Application No: LU/32/15/PL

Reason for the Update / Changes

Reason for Update/Changes:

2 additional letters and a petition with 127 signatures objecting to the application but raising no new points.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/32/15/PL

Recommendation Report for Planning Permission

REF NO: LU/32/15/PL

LOCATION: Tesco Stores Ltd
Broad Piece
Littlehampton

PROPOSAL: Installation of Dry Cleaning, Key Cutting, Shoe & Watch Repairs Pod to front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal relates to the provision of a pod in front of the existing superstore on the footpath between the trolley bays and the children's rides. It would be constructed of steel with larch wood timber cladding. It would measure 2.7m deep, 6.6m long and would be flat roofed with a height of 2.45m. It would employ one member of staff and open 9am to 6pm Monday to Saturday and 10am to 4pm on Sunday.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1m high bollards currently define the edge of the footpath area around the store

SITE CHARACTERISTICS

Existing retail store with brick elevations and

report

plain tile roof

CHARACTER OF LOCALITY

The existing Tesco store is located within an established retail park

RELEVANT SITE HISTORY

LU/243/93	Approval of reserved matters following LU/322/92 for the landscaping and layout of the site and the siting, design and external appearance of the food retail and petrol filling station buildings only. (This application affects a Public Right of Way).	Approved Cond + S106 27-05-1994
LU/344/06/	Extension to existing class A1 retail store and customer car park.	Approved Cond + S106 25-03-2008
LU/33/15/A	3 No. internally illuminated fascia signs & 4 No. non illuminated fascia signs on front elevation. This application may be determined by Littlehampton Town Council under delegated powers.	ApproveConditionally 30-03-2015

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - Concern regarding the impact of the introduction of a new dry cleaning and general repairs outlet at Tesco on existing businesses in the area. The Council is committed to protecting and supporting a vibrant and prosperous retail offer in the town centre. This development would constitute a monopoly which would be detrimental to other traders in the town centre and Wick. The use of space was also questioned. The proposal constitutes the creation of a more permanent structure which could have an impact on the movement and safety of visitors around the site.

Littlehampton Traders Partnership - Objection - These are entirely unnecessary as the services are already in the town centre and these services are making tentative steps in recovery from the recession. Seems untenable that permission should be given to Tesco to set up further out of town shopping services thereby undermining local businesses. Town centre shops are already weakened by out of town centres and the growth in internet sales.

Littlehampton Civic Society - Objection - Not suitable for out of town shop to provide these options as indirect competition to local small traders in Littlehampton. Very detrimental to high street regeneration which has been doing quite well lately.

52 letters of objection - This would have a negative impact on small local businesses already struggling to survive in Littlehampton. The town has already had the life blood sucked out of it, how much more does Tesco need for it to become a ghost town?

Would adversely affect several long standing businesses in the town centre who already

offer these services - dry cleaners, locksmith and jewellers. Local businesses including small independent shops work hard to attract shoppers to the town and should be supported. If existing services are provided elsewhere there will be no need for shoppers to visit the town. Supermarkets should not be allowed to take over towns. This will negatively affect the town's businesses who may be forced out of business. Support local trades not multi-nationals. One person would be employed and potentially 10 people would be made jobless. Timpson already have 1,411 outlets throughout the country. Dry cleaning will not be carried out the same day and will it is believed be taken to Fareham.

The National Planning Policy Framework (NPPF) section 2 makes it clear that local planning authorities should apply a sequential test to planning applications for main town centre uses. The Neighbourhood Plan Policy 9 recognises the need to support local retail centres.

The pod would be located on a pedestrian area which is heavily used. People could walk on roadways as a result.

A recent decision in Cornwall for an identical proposal was refused on the basis that the proposal was contrary to the provisions of the NPPF, the services were already provided elsewhere, other town centre shops would be affected, there was ample capacity in the town centre to accommodate new businesses and the loss of jobs.

1 letter of support - These facilities are needed in one place, which would be more affordable and convenient than over priced high street stores.

Comments on Representations received:

The National Planning Policy Framework section 2 makes it clear that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing town centre and are not in accordance with an up-to-date Local Plan. This does not apply in this case since the uses are already in a main town centre and the proposal is in accordance with the Emerging Local Plan and Neighbourhood Plan. Policy 9 of the Littlehampton Neighbourhood Plan recognises the need to support local neighbourhood retail centres. This proposal does not affect such centres. A direct comparison between this application and one in a site in Cornwall is not possible as each application must be considered on its own merits and the policy considerations may well have been different.

It is not the function of the planning authority to prevent competition. There is no evidence to suggest that existing businesses will close. Rustington village centre still has jewellers, key cutters, dry cleaners and a cobblers despite the new Sainsbury superstore housing a Timpson pod.

CONSULTATIONS

Economic Regeneration

Consultations responses received:

Business Development Manager - Objection. Littlehampton town centre, although it has weathered the recession to some degree, is still in a fragile condition. Many businesses are barely making ends meet and Economic Development are doing all possible to encourage businesses to move into and stay in the town centre. Waitrose have announced their relocation to Rustington, which will leave a large unit empty and the impact on the viability and vitality of the town centre is yet to be seen. Officers would be happy to work with the businesses that wish to take up space for these services and to locate them in the town centre.

Comments on Consultation responses:

Comments noted. It is not considered that the size of the proposed unit and its out of town location will negatively impact on the town centre. It has not been shown that where other out of town stores have similar service provision town centre viability has been adversely affected.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Close to River Arun
Class A road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7 GEN11 DEV26 DEV27	The Form of New Development Inland Flooding Criteria for Retail Development Retail Development Outside the Principal Shopping Areas
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality RET DM1 Retail Development RET SP1 Hierarchy of Centres W DM2 Flood Risk

PLANNING POLICY GUIDANCE

NPPF

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no policies in Littlehampton Neighbourhood Plan specifically relating to this type of development.

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

PRINCIPLE

The site is situated outside the built-up area boundary within an existing retail park where the principle of retail development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7, DEV26 and DEV27. GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area; DEV26 seeks to maintain the hierarchy of retail centres; whilst DEV27 sets limitations upon retail development outside of the Principal Shopping Areas.

TOWN CENTRE IMPACT

Due to the design and location of the pod it is deemed to be in accordance with policy DEV26 and given its size and range of services it would not harm or detrimentally impact upon the vitality or viability of the principal or local shopping areas or the town centre.

Other Timpson pods have been erected on Sainsbury out of town centre stores in Bersted and Rustington where no an adverse impact on existing businesses has been shown.

DESIGN AND VISUAL AMENITY

The proposed structure will be timber clad and will be located on the north western end of the building adjacent to the store entrance and parking area.

This application seeks permission for the installation of a single storey, standalone service pod forward of the primary elevation of the shop.

The materials proposed to be used and the position of the pod upon the site, will have a minimal impact upon the character of the site and the amenity of the area. Therefore, the proposal is deemed to be in accordance with policy GEN7 of the Arun District Local Plan.

RESIDENTIAL AMENITY

Given the location of the proposed development and the absence of residential properties within close proximity there is deemed to be no harm to residential amenity.

FLOODING

The site lies within Flood Zone 2 and a Flood Risk Assessment has been submitted with the application. It is proposed to impose a condition to ensure that the development proceeds in accordance with the prevention measures outlined.

CONCLUSION

It is recommended that subject approval is granted 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 number and description) 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 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 2833pag##.dgn, 2833gag1c.dgn, 2833gag##.dgn, TIMP-STD-101 revC1, TMP-STD-003 revC1, TIMP-STD-002 revC1, TIMP-STD-004 revC1 and 2833gag1c.dgn

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2015 reference 2025/110614TT and the mitigation measures detailed within the FRA.

Reason: To reduce the risk of flooding to the proposed development. In accordance with policies GEN7 and GEN11 of the Arun District Local Plan.

- 4 Upon cessation of the use the pod hereby permitted shall be removed and the land restored to its former condition.

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

- 5 **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.