

Recommendation Report for Planning Permission**REF NO:** LU/357/13/**LOCATION:** Waitrose Ltd
Avon Road
Littlehampton**PROPOSAL:** Proposed horticulture unit**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal comprises various freestanding units to facilitate outside storage and sales of horticultural goods. These include a compost pallet locker unit measuring 1.36m by 1.54m with a height of 1.2m, a modular 3 bay pod 4.3m long by 1.2m deep with a height of 2.2m and 4 mobile cupboards 1.7m high, 0.96m long and 0.55m deep a mobile table 1.2m by 0.64m and till. The bay pod and mobile units would be constructed from powder coated metal framing components and the compost pallet would be formed from treated softwood framing and external ply board.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling to west otherwise building is located on boundaries.
SITE CHARACTERISTICS	Detached retail store with brick elevations. Car park to north. Area where structures are proposed is currently pedestrian access to the store from Anchor Springs. Hard surfaced with public seating area, trolley parking and bicycle storage opposite. Window of store in the location of the units is obscured by transfers which cannot be seen through.
CHARACTER OF LOCALITY	Town Centre location. Carpet shop opposite and other retail units in Anchor Springs and carpet showroom in Avon Road. Residential to north east.

RELEVANT SITE HISTORY

LU/166/11/	1 no entrance/exit door to be replaced.1 no entrance/ exit to be infilled with shop fitting, to match existing, adjacent trolley bay, and cycle parking..	ApproveConditionally 25-07-2011
LU/173/11/	Refurbishment of one no, air handling unit , and installation of 2 no new refrigeration units, to ground floor flat roof, behind mansard roof.	ApproveConditionally 28-07-2011

REPRESENTATIONS

Representations received:

Littlehampton Town Council

The Committee were supportive of the application but concern was expressed about the layout of the unit and that it might restrict access to the area.

Comments on Representations received:

The position of the structures is within the pedestrian approach to the store which would be narrowed as a result, but the remaining space is adequate to facilitate access. County Highways have no objection to the proposal.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways - The proposal appears quite small in scale. No concerns from the highway point of view.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built up Area Boundary
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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 published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 horticultural unit would be located close to the store entrance in an area where pedestrian access currently occurs. The main structures would be located in front of the window on the south east corner of the store. They would be located 0.5m from the shop elevation and would project a maximum of 1.37m. The width of the accessway is approximately 7.5m and therefore even with these structures located on the back edge of the footpath and the mobile table and units located further forward in this area adequate space would be retained to facilitate pedestrian access and use of the public seating area.

The units have a rustic appearance and are appropriate for their use. Their design and form are acceptable and they would not dominate the appearance of the elevation. They would therefore have no adverse impact on the visual amenities of the locality or the character of the area.

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 no negative 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 11700-505-00, 11700-505-01, 3UN2890,3UN0036,3TB00202UN0763 and FMF/BIR/03 revB

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 **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.