

Recommendation Report for Planning Permission

REF NO: LU/38/20/PL

LOCATION: 5 Arundel Road
Littlehampton
BN17 7BY

PROPOSAL: Variation of condition imposed under LU/164/19/PL relating to condition 2-plans to facilitate revised position of air intake flue.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to changes to the plans condition (2) imposed on planning permission LU/164/19/PL which includes an amendment to the size of the air intake pipe on the roof of the building from 500mm to 355mm and a slight change to the air intake flue shape and position. It is repositioned approx. 50mm to the east. The previous permission related to change 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. The installation of the extract flue and a fresh air intake pipe were approved to be installed on the roof and the equipment installed varies slightly in position and size. This application seeks to gain approval for the 'as built' position of the structure..
TOPOGRAPHY	Predominantly flat.
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.

RELEVANT SITE HISTORY

LU/164/19/PL	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.	ApproveConditionally 04-10-19
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Environmental Health

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Comment

COMMENTS ON CONSULTATION RESPONSES:

- None

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

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.

Relevant policies of the Littlehampton Neighbourhood Plan have been considered in determination 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 effect on visual and residential 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 only relates to the repositioning of the air intake flue. All other matters relating to the permission remain unaltered. The key policy consideration in the determination of this application are deemed to be DDM1 and QESP1 of the Arun Local Plan which refer to the impact on visual and

residential amenity Policy 1 of Littlehampton Neighbourhood Plan states that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

VISUAL AMENITY AND CHARACTER

The minor changes to the size and position of the equipment on the roof are not readily apparent and do not visually increase the prominence of the flues which retain their low profile. The alterations are in keeping with the character of the area and appearance of the building and have no adverse impact on visual amenity in accordance with policy D DM1 (1).

RESIDENTIAL AMENITY

An Odour Assessment and Noise Assessment were submitted with the previous application. These documents demonstrated that the proposed development would not give rise to unacceptable impacts on neighbouring receptors. The Environmental Health officer considered the submitted noise and odour reports and raised no objections subject to the imposition of appropriate conditions these are unaltered by this application.

The 'as built' position of the flues refers to the fresh air intake and extract flue on the roof of the unit. Given the close proximity of the site to residential properties there is potential for noise and odour to impact residential amenity. The change to the size of fresh air intake and slight change to the position of the extract flue 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.

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 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
 Proposed Floor Plan 1915-06 Rev C
 Proposed Elevations 19034-11 revD
 Change of Use Floor Plans 1915-08 Rev B
 Proposed Roof Plan 19034-17 revB

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission LU/164/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number LU/164/19//PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.
- 3 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.