

Recommendation Report for Planning Permission

REF NO: LU/85/17/PL

LOCATION: Wickes Building Supplies
Broad Piece
Littlehampton

PROPOSAL: Installation of a new external covered trolley bay, installation of a new window, extension of an existing storage compound & installation of a burger van.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

- 1) Installation of a new external covered trolley bay, a clear polycarbonate structure measuring 4 metres by 4 metres in floor area to a height of 2.64 metres with a curved roof in the car park,
- 2) Installation of a new window on the front elevation measuring 6 metres in height by 4 metres in width
- 3) Extension of an existing storage compound by approx. 30 % with an additional 18.6 metre by 16 metres enclosure with an approx. 6 metre high fence. It would be located to the side elevation of the existing building and storage compound beyond. The area of the extension is currently a hard surfaced area in the landscaping/tree belt between the building and Bridge Road.
- 4) Installation of a burger van 3.3 metres in height, 2.2 metres in width and 5 metres in length. It is to be located at the far end of the car park on 4 parking spaces with a landscaped embankment behind.

SITE AREA

1.07 hectares.

TOPOGRAPHY

Predominantly flat with embankments to the south, east and west of the site around the car park.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

landscaping/tree belt/open to Tesco car park on the east side

SITE CHARACTERISTICS

A retail shed in a retail park occupied by Wickes, a retail builders merchant with an existing secure external storage on the west

CHARACTER OF LOCALITY

side with a 6 metre high fence,

An edge of centre retail park including Currys, Tesco and Wickes in north west Littlehampton.

RELEVANT SITE HISTORY

LU/19/04/	Conversion of existing garden centre to form outdoor project centre with formation of new door way & secure compound, new store exit, new lighting to outdoor project centre.	Approve Conditionally 04-03-2004
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The original planning permissions for the site LU/121/91 (outline) and LU/45/94 did not include any conditions relating to hours of opening or hours of deliveries.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Environment Agency

Environmental Health

WSCC Strategic Planning

Consultations responses received:

WSCC Highways - This proposal appears to involve land within the existing retail premises and will not impact on the nearby public highway. As a result there are no highway concerns.

However the Local Highway Authority (LHA) does recommend that the Local Planning Authority (LPA) impose the following:

- Please impose the usual conditions to control delivery of plant/equipment/materials outside the normal opening times of the retail units.
- We also recommend the imposition of a condition to require the submission of a Method Statement to ensure that staff and visitors are segregated from the construction areas.

Environment Agency - No objection.

Environmental Health - No comments received.

Comments on Consultation responses:

Noted -

A condition requiring control of deliveries is not considered appropriate given that no time restrictions exist on the current planning permissions for the site and the site is in excess of 300 metres from any residential properties.

The applicant will be advised of the need to separate members of public, staff and construction works however given the limited nature of the works a condition requiring a method statement is considered onerous.

There are not considered to be any significant Environmental Health impacts of the proposed development that are not controlled by other legislation i.e. Burger Van food handling permissions.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
SWA INTEREST
SPEC CONT ADVTS
OUTS BUILT AREA
CLASS A ROAD
PD RESTRICTION

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: DEV26
DEV27

GEN2
GEN6
GEN7

Criteria for Retail Development
Retail Development Outside the Principal Shopping Areas
Built-up Area Boundary
Amount of New Commercial Development
The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

There are no policies in the Littlehampton Neighbourhood Plan considered relevant to this application.

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 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 within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies.

DESIGN AND VISUAL AMENITY:

Development of the Burger Van, Trolley Store and picture widow within the front elevation are developments which would only be viewed internally in the site and are typical of incremental retail developments.

The proposed extension of the storage area would be a substantial structure 6 metres in height however it is located at the side of the building and a landscaped belt of trees between the development and Bridge Road would prevent any adverse affect on the visual amenity of the area given that there is already a large storage fence and area which is being extended.

The proposal are therefore considered to be acceptable with regard to policy GEN 7 of the Arun District Local Plan.

RETAIL IMPACTS

The proposed extensions of outdoor storage and a burger van would not significantly add to the existing retail provision on the retail park nor to adversely affect the vitality and viability of the Principal Shopping Areas and local shopping areas as building supplies are not part of the retail offer of principal or local shopping areas. The proposed development would be of a high quality sympathetic to the character of the retail park.

The policies therefore accords with retail policies DEV 26 and DEV 27 of the Arun District Local Plan.

HIGHWAYS IMPACTS:

The proposal have not raised any objections from WSCC County Highways and would be unlikely to generate a significant amount of additional traffic given the existing use of the site. The developments are not considered to affect any visibility splays nor to adversely affect highway safety.

CONCLUSION:

It is recommended that subject to the below conditions approval is granted for the development.

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 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;

Dwg.no. 216000-13-PL08 - Proposed Burger Van dated 07/04/2017
Dwg.no. 216000-13-PL07 - Proposed Covered Trolley dated 09/03/2017
Dwg.no. 216000-13-PL06 - Proposed Elevations dated 09/03/2017
Dwg.no. 216000-13-PL04 REV A - Proposed Ground Floor Plan dated 09/03/2017
Dwg.no. 216000-13-PL02 REV A - Proposed Site Layout Plan dated 09/03/2017

Email dated 15/09 from the agent Ben Hall <beh@ishmcc.com> regarding storage area fence height and Photos 1,2,3 indicating the size and form of the existing fence. Proposed fence extension to match existing in appearance, form and height.

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.

- 3 The materials and finishes of the external new and existing fence is to be painted green,

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

- 4 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.