Recommendation Report for Planning Permission

REF NO: BN/107/20/PL

LOCATION: 60 Barnham Road
Eastergate
PO22 0ES

PROPOSAL: Replace single glazed shop window & doors with double glazed PVCu & re-clad front elevation. This site is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	None of affected by the development.
SITE CHARACTERISTICS	The site is located within a terrace of shops.
CHARACTER OF LOCALITY	The area is mixed in use with commercial properties to the ground floor and residential premises above.

Noted.

REPRESENTATIONS

No objection.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Lidsey Treatment Catchment
Within the built Up Area Boundary
Tree Preservation Orders

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)

DSP1 D SP1 Design

Barnham & Eastergate Neighbourhood Plan 2014 Quality of design
POLICY ES5

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.

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

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE
The key policies considered are D DM1 and D DM4 of the Arun Local Plan.

Barnham and Eastergate have a 'made' Neighbourhood Plan with policy ES5 of relevance to the proposal. The proposal complies with this policy.

DEISGN AND VISUAL AMENITY
The proposal seeks to replace the existing shop front. This will be similar in appearance to that which exists however will have 4 larger panes of glass, which will also be double glazed. The new proposal seeks to remove one of the doors, whilst this will cause the shopfront to not be symmetrical it is not considered enough to warrant refusal of the application.

The shop is in an area where a wide variety of building materials. The development seeks to clad the first

floor in non combustible composite shiplag cladding in a grey finish. This is an acceptable alteration, by reason of its colour and design, to the dwelling having no significantly harmful impact upon the character of the dwelling, or its locality.

The window front will appear similar in design to that of nearby shops and with the changes relatively minor in scale, the proposal is not considered to result in an adverse appearance and is considered acceptable and in accordance with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY
Due to the change proposed which will replace existing glass frontage fronting the street scene, it is not considered to give rise to adverse impacts upon amenity and accord with D DM1 and D DM4 of the Arun Local Plan.

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 and informatives.

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.

CIL DETAILS

This application is not CIL Liable.

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:
- Location and Block Plans
- Existing and Proposed Elevations 001

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

3 No cladding shall take place unless and until a schedule of materials and finishes to be used for the cladding of the building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun 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 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.