

Recommendation Report for Planning Permission

REF NO: LU/244/18/PL

LOCATION: 33 High Street
Littlehampton
BN17 5EG

PROPOSAL: Retention of translucent roof over part of rear yard adjoining St Martins Lane

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the retention of translucent roofing to the rear garden of the building.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The premises faces onto the street frontage and has some outside seating.
SITE CHARACTERISTICS	The site is occupied by terraced building with a shop located at ground floor level. There is a small garden/yard area to the rear of the premises.
CHARACTER OF LOCALITY	The site is located in a shopping area which is characterised by small retail units set in a linear fashion along a pedestrianised road.

RELEVANT SITE HISTORY

LU/341/14/PL	Retention of new shop front.	ApproveConditionally 23-12-14
LU/87/12/	Change of use from highway to outside seating, consisting of 3 tables and 6 chairs	ApproveConditionally 12-06-12
LU/330/11/	Change of use from A1 (shop) to A5 (fast food take away & noodle bar) with limited seating	ApproveConditionally 01-02-12
LU/259/11/	Change of use from A1 (shop) to A5 (hot food takeaway)	Refused 31-10-11

LU/246/10/	Remove existing roller shutters, install new glazed shop front, install new rear walling and gates to replace existing gates	ApproveConditionally 19-10-10
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Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
Littlehampton Parish Council have provided no response.
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Economic Regeneration
Environmental Health

CONSULTATION RESPONSES RECEIVED:

Economic Development provide no objection to the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Built up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable Development

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

PLANNING POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

Littlehampton has a made neighbourhood plan with Policy 1 and 2 of relevance to the determination of the 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 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 proposed development is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. As stated in SDSP2 the key policies considered are DDM1 and DDM4 of the Arun Local Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the building up area boundary.

DESIGN AND VISUAL AMENITY

The proposal is situated over the rear garden of the property and as such the development is not visible from the street scene. The rear yard also adjoins St Martins Lane, however again it is not visible from this elevation.

The roof is constructed of a translucent material with timber posts and is considered visually integrated with the property. As a result of its design and siting, the proposal is not considered to alter the appearance of the property or the spatial character of the area and accord with DDM1 and DDM4 of the Arun Local Plan and Policy 1 and 2 of the Littlehampton Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed roof over the rear of the premises is of a modest scale and is not considered unduly dominant and as a result it is not considered overbearing. Due to the proposed translucent material and position it is also not considered to give rise to any overshadowing upon nearby occupiers and in accordance with DDM1 and DDM4 of the Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development 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.

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 Existing and Proposed Roof, Elevation and Floor Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 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.