

Recommendation Report for Planning Permission**REF NO:** LU/302/13/**LOCATION:** 21 Beach Road
Littlehampton**PROPOSAL:** Replacement of existing shop window and door.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The proposal relates to replacement of the existing shop front with a powder coated aluminium frame
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site fronts highway
SITE CHARACTERISTICS	Ground floor shop unit. White painted traditional timber framed shop frontage. Residential above. Two adjoining units have been altered and are modern in design.
CHARACTER OF LOCALITY	Ground floor shop units fronting Beach Road with a mix of residential and commercial uses above. Mix of traditional and modern shop fronts within the locality.

RELEVANT SITE HISTORY

LU/212/12/	Replacement shop front and new security shutter	Refused 27-09-2012
LU/254/12/	Alteration to shopfront (resubmission following LU/212/12/)	ApproveConditionally 23-11-2012

REPRESENTATIONS**Representations received:**

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning

Consultations responses received:

Southern Water - No Objection

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within built-up area boundary

Building of Character

Class C Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN7](#)

[GEN22](#)

[AREA19](#)

The Form of New Development

Buildings or Structures of Character

Primary Shopping Frontages

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 214 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

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 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 proposal seeks permission to reposition the front door to be flush with the existing frontage and provide a replacement shop front. The site is located within the principal shopping area of Littlehampton, in which the principle of development is acceptable, subject to compliance with relevant development plan policies. Both local and national policy seek to protect existing shopping areas by encouraging vitality and attractive places to visit.

It should be noted that this application follows a refused application (LU/212/12) which included a replacement modern shop front and external shutters and a subsequent approved application to provide a flush shop front (LU/254/12). The only element of the proposal that therefore falls to be considered as part of this application is the replacement shop front.

The existing shop front with stall risers would be removed. The building is on the council's list of Buildings and Structures of Character and therefore policy GEN22 as well as policy GEN7 is relevant. The proposed shop front would be similar in appearance to those at ground floor on the adjoining properties which have both been replaced with modern fully glazed windows. Therefore whilst removal of a traditional shop front and its replacement would not enhance the appearance of the building, in the context of the street scene, it would be more in keeping with the adjoining properties and would not detract from the appearance of the group of buildings which are all included within the Buildings or Structures of Character List.

In the absence of any visual harm to the street scene or character of the area generally, it is recommended that the application be approved 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 020512/TP.03

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.