

Recommendation Report for Planning Permission

REF NO: LU/315/20/PL

LOCATION: 47 Pier Road
Littlehampton
BN17 5LW

PROPOSAL: Subdivision of current A1 unit into two with replacement shop front. This application is Zero rated as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks the subdivision of current A1 unit into two with replacement shop front.
SITE AREA	Approximately 85sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The building abuts the public walkway.
SITE CHARACTERISTICS	The site is a two storey commercial unit.
CHARACTER OF LOCALITY	The locality has a mixed character, and hosts a variety of residential and commercial units.

Noted.

REPRESENTATIONS

Town Council - No objection.

- The Council asks if the toilets can be accessible from both commercial units.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Agency - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The advice will be added to the decision notice as informatives.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

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)
EMPDM2	EMP DM2 Enterprise Bognor Regis
EMPSP2	EMP SP2 Economic Growth Areas
RETDM1	RET DM1 Retail development
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management

[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

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 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 be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

In this case, the key policies are deemed to be D DM1, D DM4, EMP DM1, EMP SP2 and RET DM1 of the Arun Local Plan. Additionally, Policies 1 and 2 of the Littlehampton Neighbourhood Development 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 EMP DM1 of the Arun Local Plan seeks to protect and enhance existing employment sites and premises in order to maintain a supply of commercial sites and meet business needs.

Policy RET DM1 of the Arun Local Plan seeks to retain retail centres provided that high standards of design, materials, and layout has regard to the character of the site and surroundings.

Policy EMP SP2 seeks to enhance and protect Economic Growth Areas and encourages proposal which increases the vitality of the town centre.

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 out 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 built up area boundary.

Paragraph 85 of the NPPF makes clear that planning policies and decisions should support the role that town centres play at the heart of local communities.

RETAIL POLICIES

The proposal is considered to accord with the relevant retail policies within the Arun Local Plan. This is because the proposal results in the increase of available A1 units within an Economic Growth area, which is considered to result in an increase in vitality of the town centre. Therefore, the principle of the retention of the retail use of the application site is retained, however, the subdivision can be deemed to represent adaptability of the site to meet the local demand.

The proposed development is considered to accord with EMP DM1, EMP SP2 and RET DM1

DESIGN AND VISUAL AMENITY

The proposal is considered to result in a minor visual alteration to the host building. The alterations are not considered to result in any undue harm to the character of the area, especially given the mixed character of the character. The visual change of the two windows to become the access to the commercial units is not considered to significantly alter the Eastern elevation of the host building to such a degree that it would result in harm to the amenity value of the host building.

Therefore, the proposal is considered to accord with D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed development is not considered to result in any harmful impact upon the residential amenities of nearby occupiers by way of overbearing or overshadowing impact. This is because the proposal does not result in an increase in an increase of the footprint of the host building. Furthermore, the alterations to the openings do not provide any views of which are different to those available at current.

The proposed development accords with D DM1(3) and D DM4(c) of the Arun Local Plan.

FLOODING

The site is located in an area which is subject to a risk of flooding. The proposal does not result in a change of use of the site, merely an intensification of the use, therefore the sequential test does not apply to this proposal. The application is accompanied by a Flood Risk Assessment (FRA) which the Environment Agency have advised is adequate.

The proposals comply with the National Planning Policy Framework (NPPF) and policy WDM2(a) and (b) of Arun Local Plan. Criteria c-f does not apply in this case as the use in question is an existing use.

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

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 & Block Plan - 20/138-05 - Rev.A - Sept 2020
- Proposed Floor Plans - 20/138-03 - Rev. A - Sept 2020
- Proposed Elevations - 20/138-04 - Rev. A - Sept 2020

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 INFORMATIVE: Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful: Flood resilient construction of new buildings: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

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.