Recommendation Report for Planning Permission

REF NO: **LU/316/12/**

LOCATION: Carpetright
2-4 Avon Road
Littlehampton

PROPOSAL: Installation of 6 No new display windows to existing front elevation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Creation of six plate glass windows to a height of 2.6m.
SITE AREA	Approximately 300sqm
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Building occupies entire site.
SITE CHARACTERISTICS	Application site is a single storey commercial property.
CHARACTER OF LOCALITY	Surrounding the site are one and two storey commercial properties.

RELEVANT SITE HISTORY

LU/497/04/	Use of units 2 to 4 for non-food retail purposes (A1) with consequential minor alterations to front of building.	Approve Conditionaly 21-01-2005
LU/258/05/A	2 no. internally illuminated roof box signs, 1 no. internally illuminated showroom signs and 1 no. non-illuminated poster frame.	Approve Conditionaly 10-10-2005

REPRESENTATIONS

Representations received:
Littlehampton Town Council
- No objection.

Comments on Representations received:
N/A

CONSULTATIONS

Consultations responses received:
None

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	DEV27	Retail Development Outside the Principal Shopping Areas

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 amenity impact on surrounding properties and impact on the Littlehampton Principal Shopping Area.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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, nor would it have an

adverse impact upon the Littlehampton Principal Shopping 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
Application site is located within the built up area boundary where development is acceptable.

GEN7 FORM OF NEW DEVELOPMENT
Proposed windows respond to the characteristics of the site and are of high quality design.

DEV27 RETAIL DEVELOPMENT OUTSIDE THE PRINCIPAL SHOPPING AREAS
The application site is located adjacent to the Littlehampton Principal Shopping Area. The proposal will not have an adverse effect on the vitality and viability of the Principal Shopping Area. The proposed windows will improve the appearance of the existing retail unit and its interaction with the street, the unit currently presents a blank grey facade to Avon Road, interspersed with large advertisements.

SUMMARY
The proposal is considered acceptable in regard to the relevant policies and is recommended for approval subject to 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 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' rights and freedoms, 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 a neutral impact has 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: CPMS/2505/LOC Revision A dated 11/01/13, CPMS/2505/BLOCK dated 10/12/12 and CPMS/2505-15 Revision B dated 14/01/13.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 and DEV27 of the Arun District Local Plan.

3 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, DEV27

NATIONAL POLICIES: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

4 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.