

Recommendation Report for Planning Permission

REF NO: LU/40/22/PL

LOCATION: 10 Bayford Road
Littlehampton
BN17 5HL

PROPOSAL: Replacement of shopfront with UPVC windows and new front door to front elevation in addition to installation of new UPVC to rear elevation. This application is in CIL Zone 4 and is not CIL liable as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the replacement shopfront with UPVC windows and new front door to front elevation in addition to installation of new UPVC to rear elevation. The proposed shopfront involves changing the existing signage, uPVC windows and doors, display area and face brickwork to UPVC windows and doors without signage and display area. This application seeks these changes so as to accommodate a change of use from retail space to 1 bedroom residential unit though the use is not part of the application.
SITE CHARACTERISTICS	The site is currently a cafe.
CHARACTER OF LOCALITY	The terrace area is mixed in character with a predominance of residential uses on the ground floor. The opposite side of the terrace is wholly in residential use on ground floors. Bayford Road running south is a terraced residential street.

RELEVANT SITE HISTORY

LU/81/22/PD	Prior approval under Schedule 2, Part 3, Class MA for the change of use from Cafe (Class E) to 1 No. residential dwelling (Class C3).	
LU/18/22/PD	Notification for prior approval under Schedule 2, Part 3, Class MA for the change of use from commercial, business & service (Class E) to 1 No dwelling house (Class C3).	Objection 17-03-22
LU/467/03/	Change of use from taxi office to cafe	ApproveConditionally 11-02-04

LU/81/22/PD - an objection was raised on the grounds that the application fails to demonstrate compliance with Class M.2.(1)(c) flooding risks in relation to the building.

REPRESENTATIONS

Littlehampton Town Council - no objection subject to receipt of a satisfactory flood assessment as requested by the Environment Agency.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. This application is for external changes only so flooding issues are not relevant. Change of use applications have been refused for lack of flooding information.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

Built-up Area Boundary

Flood Zones 2 & 3

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

The relevant policies in the Littlehampton Neighbourhood Plan have been taken into account in the determination of this 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 changes are of an acceptable design that would not significantly harm the character of the area and would not impact upon residential amenity of any nearby properties.

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

The site is in the built up area where development is supported in principle by policy SD SP2 of the Arun Local Plan and Policy 1 of the Littlehampton Neighbourhood Plan which is complied with subject to compliance with other relevant policies within the Arun Local Plan. In this case they include policies D SP1, D DM1 and D DM4 which seek to ensure that the changes are in keeping with the area and do not harm the character of the host building nor the residential amenities of neighbouring residents. The proposal is acceptable in principle.

DESIGN AND VISUAL AMENITY

The proposal seeks alterations to the front and rear of an existing unit. The alterations to the front will be visible in the street scene, while rear alterations will not be widely seen from the wider area.

There is currently a wide shopfront (display area) with render and the entrance doors at the front and a blank elevational wall at the rear. This proposal will replace the shopfront materials with glazed uPVC door and window. The design of the front alterations will reduce the glazed shopfront (display area) which is typical of a retail unit. The glazed shopfront will be fragmented significantly with a render wall.

The alterations to the front will be akin to those found elsewhere where the majority of the ground floors are in residential use.

Section J.01 of the Arun Design Guide outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in Section C.06 of the design guide. Section J.04, refers to building frontages and facades states that "new designs should respond to the frontages and facades of existing buildings in their immediate surroundings and examples in the wider context in order to ensure a high-quality elevational treatment that integrates with the surrounding context".

The alteration to the shopfront and rear of the building are integrated and sympathetic in design and character to its immediate setting in accordance with policies D DM1, D SP1 and D DM4 of the Arun Local Plan and section J of the Arun Design Guide.

RESIDENTIAL AMENITY

The proposal incorporates the replacement of the shopfront (front door and window) and changes to the rear elevation. As such it does not result in overbearing or overshadowing impacts upon neighbours' amenity. Therefore, it is not considered that the replacement will result in harm upon amenity.

The proposed rear window will not result in loss of privacy and overlooking neighbours' garden. There have been no objections from neighbours.

As a result of the alterations and its distance from neighbouring amenity, the proposal will not adversely harm neighbouring amenity. The proposal complies with policies D DM1 and D DM4 of the Arun Local Plan.

SUMMARY

For the reasons cited above the proposal will not adversely detract from the character and appearance of the area nor adversely affect neighbouring residential amenity in accordance with relevant Development Plan policy. The policies most relevant to the application are not out of date. As such the application is recommended for approval in accordance with para 11c of the NPPF 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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 only insofar as they relate to external works that reflect the description of the application - the change of use does not form part of the application and therefore can not be approved by this application:

2588/02A.

2588/01A

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: 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.