

Recommendation Report for Planning Permission

REF NO: R/192/19/PL

LOCATION: 4 Broadmark Parade
Broadmark Lane
Rustington
BN16 2NE

PROPOSAL: Replacement shopfront.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Primarily open.
SITE CHARACTERISTICS	Former charity shop that is going to a food retailer ground floor unit.
CHARACTER OF LOCALITY	Mainly retail area with the site being located on a high street.

RELEVANT SITE HISTORY

R/141/19/PL	Application for variation of condition imposed on planning reference R/34/19/PL relating to condition 3 - amend deliveries & servicing hours to 06.00 & 20.00 everyday	
R/34/19/PL	Change of use of currently vacant former A1 (Shops) ground floor premises to a mixed A3/A5 (Restaurants & Cafe & Hot Food Takeaway) use, incorporating the erection of a single storey rear extension, replacement shopfront & associated plant & extraction equipment	ApproveConditionally 07-06-19
R/67/10/	Change of use from A1 (retail) to A2 (estate agents)	ApproveConditionally 04-06-10
R/156/88/A	1 no. non-illuminated fascia sign to rear of premises	Apprvd/Cond ADV 26-09-88

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Has noted the above application and wishes to raise no objection to it.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the 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)
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary

[Rustington Neighbourhood Plan 2014 Policy 2](#) Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

The Neighbourhood Development Plan

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 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, preserving its appearance.

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 application site is situated within the built up area boundary where the principle of development is acceptable, subject to accordance with relevant development plan policy. In this case the key policy considerations are D DM1 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The application seeks permission for a new ground floor shop frontage. This will include the moving of the current door and larger glass panels to either side that will spread from the floor to the ceiling on the ground floor.

The proposed alterations to the fenestration are not considered to have an adverse impact upon the appearance of the building or the wider locality and as such it is deemed to accord with policy D DM1 of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed alterations to the fenestration details of the building are not considered to give rise to any unacceptable adverse impacts upon the residential amenity of neighbouring properties and as such are deemed to accord with policy D DM1 of the Arun District Local Plan.

SUMMARY

The proposal is deemed to accord with relevant development plan policies and as such is recommended 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 (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 in relation to the shopfront only:
2940/G012 (A)
2940/G211 (B)
2940/PL212 (A)

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.
- 4 **INFORMATIVE:** The approval of this application is for that of the replacement shop front not the illuminated signs on the front or the non illuminating sign to the rear. There is a separate application (R/193/19/A) in place for the signage.