

Recommendation Report for Planning Permission

REF NO: R/86/26/PL

LOCATION: 15 Churchill Parade
The Street
Rustington
BN16 3DE

PROPOSAL: Elevational alterations including replacement shopfronts at ground floor level & 4 No. new windows at first floor level. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	The site comprises a two-storey retail unit with a dual shopfront at ground floor level. The first floor consists of yellow brick elevations with three blocked up windows and the building has a flat roof. The rear elevation features red brick with repeating, stepped, white vertical panels with white uPVC windows at first-floor.
CHARACTER OF LOCALITY	The area surrounding the site makes up the Rustington shopping centre and the locality is predominantly retail and has a commercial character. There is a large car park to the rear of the shops to the North and the centre is surrounded by residential dwellings.

The site has been the subject of planning applications over the years, but none that are necessary for consideration under the assessment of this application.

REPRESENTATIONS

Rustington Parish Council - No objection.

No representations from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Economic Regeneration - No response received.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Built-up Area Boundary

Town Centre Retail Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
RETDM1	RET DM1 Retail development
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
SPD13	Arun District Design Guide (SPD) January 2021

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. There are no policies of direct relevance within the Rustington Neighbourhood Development Plan.

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 complies with relevant Development Plan policies in that the unit there would be no unacceptable impact on the visual amenity of the locality.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

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- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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 site is within the Built-up Area Boundary where the principle of re-development is acceptable subject to the consideration of other relevant Development Plan policies as per Arun Local Plan (ALP) policy SD SP2. The site is also within the established Retail Centre Boundary.

There are no policies within the Rustington Neighbourhood Development Plan (RNP) of relevance to this proposal.

Section H of the Arun Design Guide (ADG) and Character Area Four of the Rustington Village Design Statement (RVDS) are relevant.

CHARACTER AND DESIGN

At ground-floor level, the proposal seeks to alter the existing shop frontage by removing the existing low-height brickwork and replacing it with a fully glazed shop front. The format and layout of the frontage would remain broadly consistent with that of the existing and line with the guidance for the design of shopfronts set out in Section H of the ADG. By virtue of remaining consistent with the character of the area, the proposal is also consistent with the design guidance outlined on Page 12 of the RVDS.

At first-floor, the proposal seeks to replace the three existing blocked up windows on the front elevation with four larger windows of a regularised layout. These are a visual improvement and acceptable.

The proposed shop front and windows to first-floor would consist of powder coated aluminium frames which would be appropriate in this context and would not result in harm to visual amenity.

While a range of colours on the shopfront would be acceptable, no information about the colour of the first-floor windows was provided at submission. The agent was asked to clarify what colour the windows would be and confirmed Anthracite Grey for the first-floor window frames.

The proposal is compliant with ALP policies D SP1, D DM1 and D DM4, Section H of the ADG and Character Area Four of the RVDS.

RETAIL IMPACTS

The proposal would not alter the existing use of the site and would preserve the hierarchy of retail centres given the existing use and its siting within the town centre retail boundary.

The proposal is in accordance with ALP policy RET DM1.

PARKING

The proposal would not alter the existing retail floorspace and would, therefore, have no consequential impacts on parking demand in the area.

The proposal is in accordance with ALP policy T SP1.

BIODIVERSITY

The proposal is exempt from Statutory Biodiversity Net Gain under the de-minimis exemption. However, the proposal includes the provision of two bird nesting boxes at high level on the north elevation which would provide for a biodiversity net gain on site in accordance with ALP policy ENV DM5.

SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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:
 - Block & Location Plan, Existing Floor Plans and Elevations 10147.100
 - Proposed Floor Plans and Elevations 10147-101 Rev C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 and D DM1.

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.