Recommendation Report for Planning Permission

REF NO: **LU/124/13/**

LOCATION: 2-4 Selborne Place
Selborne Road
Littlehampton

PROPOSAL: External lighting on front elevation

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of blue neon lighting strips to the underside of the central roof gables and flat roofed structures either side of the restaurant entrance. The lights have already been installed and it is proposed to set them permanently to dim.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To Selborne Road 1 metre high walling
SITE CHARACTERISTICS	Existing 4 storey building in restaurant use at ground floor. Brick elevations. Plain tile roof. Signage above main entrance.
CHARACTER OF LOCALITY	Predominantly residential. Characterised by older style properties, mainly semi-detached of similar design.

RELEVANT SITE HISTORY

LU/169/05/	Single storey extension.	Approve Conditionaly 20-07-2005
LU/352/06/	Extension of existing raised patio across both properties and insertion of set of ground floor patio doors to rear elevation.	Approve Conditionaly 12-01-2007
LU/94/60	Use of premises as a res hotel	Approve 10-06-1960

report

LU/64/07/	Continuance of use without compliance with condition No. 2 of planning application LU/169/05 to use PVCu frames to fenestration in new extension instead of timber and condition No. 3 of planning application LU/352/06 for ground floor patio doors in elevations to use PVCu frames instead of timber.	Approve Conditionaly 04-04-2007
LU/76/11/A	1No. externally illuminated pole-mounted free-standing sign.	Approve Conditionaly 26-05-2011
LU/114/11/	Replacement of windows to flats on north elevation	Refused 23-06-2011 **Appeal: Dismissed 09 11 2011**

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

2 letters of objection.Neon lighting is inappropriate in a residential area and within a Conservation Area. Any llighting should have a curfew of 23.30 hours. Site is already well advertised. This would be a waste of energy. Even on a dim setting this would give a glare and be obtrusive. White lighting would be more appropriate. Blue light detrimentally affects sleep/wake patterns of humans. Lighting is tacky and does not enhance the appearance of the Conservation Area.Adequte lighting is already available.

Comments on Representations received:

Noted and agreed

CONSULTATIONS

Conservation Officer

Environmental Health

Consultations responses received:

Environmental Health Officer

The decorative lighting is unlikely to cause significant light trespass through neighbouring windows or give rise to a nuisance.

Conservation Area Advisory Committee - Objection. Suggest subtle wash lighting on the building to highlight the features of the building. This application does not enhance the conservation residential area.

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	AREA2	Conservation 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:

The Development Plan consists of the Arun District Local Plan 2003.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

LISTED/CA

Where the building is located in a Conservation Area, Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
The proposal is considered to conflict with these criteria in that it is considered to materially affect the character and appearance of the Conservation 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

The proposal relates to lighting that is already in place. The applicant intends to utilise a dim setting to reduce the visual impact of the lighting.
However the lighting is readily visible in the street scene. The colour, extent, type and height of the lighting are inappropriate in this location in principle. The site lies in a predominantly residential area and within a Conservation Area. Much of the character of the area is derived by the variety of gables on the oldest buildings. The lighting would unacceptably highlight 2 of the gables on the building within the Conservation Area. The lighting (even on its dim setting)is prominent and visually obtrusive and detracts from the setting of the building within the Conservation Area. It does not preserve or enhance the appearance of the Conservation Area. The site already benefits from advertising on the site frontage which clearly defines the presence of the business.
The application is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

FOR REFUSAL
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 (the right to respect for 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 no negative 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).

RECOMMENDATION

REFUSE

1 Given the colour, nature, position and height of the proposed lighting it would be

prominent and obtrusive in the street scene and prejudicial to the appearance and character of the Littlehampton Seafront Conservation Area and damaging to the setting of the existing buildings of merit and interest within it. It therefore conflicts with the Local Plannuing Authority's intention to protect and enhance the visual amenites of the area and is contrary policies GEN7 and AREA2 of the Arun District Local Plan and the National Planning Policy Framework.

2 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.