

Recommendation Report for Planning Permission

REF NO: LU/139/19/PL

LOCATION: Rear of
16 & 17 Granary Way
Toddington Lane
Littlehampton

PROPOSAL: Kingpost retaining wall

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	This planning application is for the construction of a retaining wall measuring 32.3 metres in length and 1.75 metres high tapering to 0.7 metres in height. The retaining wall, which would be topped by a 1.8 metre high close boarded fence, is required to address the change in levels and to stabilise the land between the houses and rear gardens at Numbers 16 and 17 Granary Way to the north of Toddington Lane and the highway.
SITE AREA	644 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The application site is located to the rear of Numbers 16 and 17 Granary Way. The rear gardens of the two houses are bounded by close boarded fencing along the southern and western boundaries; and the gardens back onto Toddington Lane.
SITE CHARACTERISTICS	The houses and gardens on the Granary Way estate are raised up above Toddington Lane; but the land drops down to the south, to the rear of Numbers 16 and 17 Granary Way towards the highway.
CHARACTER OF LOCALITY	Numbers 16 and 17 Granary Way are located in Wick in North Littlehampton, and are bounded to the north by the residential estate of Granary Way; to the south and west by Toddington Lane and beyond by residential estates; and to the east by Phase 1 (Persimmon Homes development) on Hampton Park (also known as North Littlehampton Strategic Development Area).
RELEVANT SITE HISTORY	

LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing	App Cond with S106 23-01-13
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buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

No objection.

The owner of No. 16 Granary Way has submitted a letter raising no objection to the proposed construction of a retaining wall but setting out the following issues:

- The new retaining wall should be constructed on the other side of the existing fence to their garden.
- Who will own the new wall and fence, who will be responsible for maintenance?
- That no access is required through the gardens during the construction works; and the properties would be secure from unauthorised access.
- That the plants and trees that have been planted in recent years are not damaged.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions section of this report.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Southern Water Planning

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection.

It is considered that the proposed development would not have a 'severe' impact on the operation of the highway network, and is therefore not contrary to paragraph 109 of the NPPF. The County Council would not wish the area in front of the retaining wall, fronting onto the highway to be grass verge due to the maintenance liability and the health and safety risk associated with this.

SOUTHERN WATER:

No objection.

ADC DRAINAGE:

No comments to make.

ADC GREENSPACE:

No objection.

It would be beneficial for the base of the wall area to be reinstated to grass or possibly low growing ground cover planting, which would both assist in stabilising this area and aesthetically improve this road edge.

ADC ARBORICULTURAL OFFICER:

No objection.

The removal of several small trees of low value to accommodate the proposed development would not have a detrimental visual impact on the locality.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary (BUAB) in the Local Plan.

North Littlehampton Strategic Development Area.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
INFSP1	INF SP1 Infrastructure provision and implementation
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Littlehampton Neighbourhood Plan 2014 Policy 2](#) A Spatial Plan for the Town

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

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton; Ford.

The Littlehampton Neighbourhood Plan (NP) was made on 5th November 2014. Relevant Littlehampton NP policies have been taken into account and are addressed in the 'Conclusions' section of this report.

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 located within the built-up area boundary (BUAB) and adjacent to a strategic site (North Littlehampton Strategic Development Area - Hampton Park) and complies with relevant Development Plan policies.

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 located immediately west of the Hampton Park development. Highway improvement works were required along Toddington Lane as part of the Section 106 Agreement which

accompanied the outline planning permission LU/47/11 for Hampton Park. As part of the S278 highway improvement works, the existing embankment has been cleared and excavated to install the highway drainage, underground services (gas, electricity and telecoms) have been diverted; and a pavement is being constructed along the northern edge of Mill Lane which connects with Toddington Lane in close proximity to the application site.

The current application is for a proposed retaining wall which would support the rear gardens of the two houses at 16 and 17 Granary Way and retain the change in levels between the houses fronting onto Granary Way to the north and Toddington Lane immediately south. The proposed retaining wall is required to stabilise the excavated face and reinstate the ends of the gardens of Numbers 16 and 17 Granary Way, bordering Toddington Lane. The retaining wall would be faced with Anston Red Stock concrete brick with a paved surface margin between the highway kerb and the foot of the wall. A close boarded fence measuring 1.8 metres high would be constructed on top of the retaining wall. The foundations of the retaining wall would be embedded cantilevered concrete piles attached to steel kingposts, located at a maximum spacing of 2.5 metres apart. The cantilevered concrete piles would be bored to a depth ranging between 4.3 metres and 2.7 metres within the earth bank, adjacent to the highway. The retaining wall would be located off the highway on private land.

DESIGN, APPEARANCE AND MATERIALS

Policy D DM1 of the Local Plan says: "When considering any application for development the Council will have regard to the following aspects: make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features; demonstrate a high standard of architectural principles, use of building materials, and craftsmanship to reflect the local area." (Policy D DM1(1) and D DM1(2))

The application site is a prominent location on Toddington Lane, at one of the vehicular entrances into Hampton Park (North Littlehampton Strategic Development Area). The visual appearance of the proposed retaining wall, together with the close boarded fencing on top of the wall is considered to be robust, fit for purpose, visually acceptable and it would ensure that the rear gardens of numbers 16 and 17 Granary Way would be secure and the land would be stabilised, ensuring no land slippage onto Toddington Lane.

The proposed retaining wall is acceptable in terms of design and appearance and it complies with Policy D DM1(1) and D DM1(2) of the Local Plan.

SCALE

Policy D DM1 of the Local Plan says: "the scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

Policy 22 of the Littlehampton NP says: "the Neighbourhood Plan will support proposals for the housing developments, provided they can clearly demonstrate that the carriageway widths of roads that may support (existing and future) local bus routes, are capable of doing so".

The height (1.75 metres high tapering to 0.7 metres high) and length (32.3 metres long) of the proposed retaining wall along the northern edge of Toddington Lane; together with a 1.8 metre high close boarded fence atop the retaining wall, is considered to be acceptable so as to reinstate the ends of the gardens of Numbers 16 and 17 Granary Way, bordering the highway and to stabilise the banking which fronts onto the highway.

Road Safety Audits (RSA 1 and RSA 2) have been carried out which concluded that "no material

increase in risk to road users will arise as a result of the proposals as submitted". The highway improvement works which have been implemented along Toddington Lane will also ensure that the width of the road may support existing and future local bus routes, in accordance with Policy 22 of the Littlehampton NP.

The proposed scale of the proposed retaining wall and close boarded fencing is considered to be acceptable. The proposed development complies with Policy D DM1 of the Local Plan and Policy 22 of the Neighbourhood Plan.

LANDSCAPE

Policy D DM1 of the Local Plan states that: "When considering any application for development the Council will have regard to demonstrating a high standard of hard and soft landscaping to reflect the local area. All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals". (Policy D DM1(1) and D DM1(2).

The proposed location of the retaining wall is restrictive, and limited in site area, and would not be capable of accommodating any new trees on the south side of the wall. The land to the south of the retaining wall is to be paved. The LPA considered that, if possible, it would have been beneficial for the base of the retaining wall area to be reinstated to a grass verge, purely on visual amenity grounds. However, the Local Highway Authority would not wish the area to the front to be verge due to the maintenance liability and the health and safety risk associated with this. It is considered that the Local Highway Authority's concerns are legitimate and that the area south of the retaining wall should be paved.

Consequently, it is considered that the proposed development complies with Policy D DM1 of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance". Policy QE SP1 of the Local Plan says: "the Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

In response to the issues raised by the owner of No. 16 Granary Way, the retaining wall and fence would become the new boundary; the current fence would end up on the legal boundary. The retaining wall would become the property owners' wall of the two houses at 16 and 17 Granary Way. No access is required through the gardens, and the properties would be made secure by contractor fencing during the construction works. Damage to trees and shrubs should be minimal. Looking at the street-scene it is clear that two trees will need to be removed; and the ADC Arboricultural Officer has confirmed that the removal of these trees would not have a detrimental visual impact on the locality. The applicant will need to establish who the tree that appears to be in the middle of the fence belongs to, and to secure agreement if it is within the garden rather than within their ownership. This is a private matter that the applicant will need to address as they cannot damage the tree without the owner's consent.

The houses at Numbers 16 and 17 Granary Way are raised up above the houses that front onto Toddington Lane. However, the houses on Granary Way were built in the 1980s and 1990s and the relationship with the housing estates on Toddington Lane is well established. In addition, the provision of the 1.8 metre close boarded fencing on the top of the retaining wall would ensure that there would be no overlooking into the existing houses on the south side of Toddington Lane.

The piling and construction of the retaining wall would generate noise which could affect neighbouring

residential amenity. Consequently, it is considered that a condition be imposed restricting the hours of construction so as to protect neighbouring residential amenity.

Consequently, it is considered that, subject to a condition restricting the hours of construction, the proposed construction of a retaining wall complies with Policies D DM1(3) and QE SP1 of the Local Plan in terms of impact upon neighbouring residential amenity.

SUMMARY

The proposed retaining wall, together with the close boarded fencing on top of it, would stabilise the land to the rear of the gardens at Numbers 16 and 17 Granary Way, which back onto Toddington Lane. Consequently, the proposed development is considered to be acceptable and in compliance with Policies D DM1 and QE SP1 of the Local Plan and Policy 22 of the Littlehampton NP. It is therefore recommended that this application be granted planning permission 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 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 drawings and submitted materials:

Drawing No. LH_16_17_LP_01 - Location Plan

Drawing No. OP1314/401 Rev. C - Retaining Wall for support to rear gardens to Nos. 16 & 17 Granary Way

Drawing No. OP1314/402 Rev. B - Retaining Wall details for support to rear gardens to Nos. 16 & 17 Granary Way

Drawing No. OP1314/403 - Location of Services on Plan in relation to Retaining Wall

Drawing No. OP1314/404 - Anticipated Ground Conditions for the Kingpost Foundations

Drawing No. OP1314/405 - Retaining Wall Location Plan

- Approval in Principle: Granary Way Retaining Wall (Structure Ref. No. 8158) Toddington Lane, Littlehampton, West Sussex, Revision A, 7 February 2019, prepared by Optimal Structural Engineers Ltd.

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

- 3 No construction works shall take place except between the hours of 8.00 - 17.00, Monday to Saturday. No construction works shall take place on Sundays and Public Holidays.

Reason: To protect neighbouring residential amenity, in accordance with Policy D DM1 of the Arun Local Plan.

- 4 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.
- 5 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk