Recommendation Report for Planning Permission

REF NO: **LU/140/14/PL**

LOCATION: 53 Arundel Road
Littlehampton

PROPOSAL: Additional accommodation for adults with learning disabilities. Resubmission of LU/31/11

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application forms a renewal of previous planning permission LU/31/11 which is for a detached outbuilding which provides additional accommodation for adults with learning disabilities. The single storey building contains two separate bedrooms each with its own shower and kitchen and will be associated with the main care home. The building has the same dimensions as granted under LU/31/11 which are approximately 10.5m in length, approximately 6.5m in width and approxiamtely 3m in height. Two parking spaces are also provided to the side of the building.
SITE AREA	Approximately 700 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Stone walling to front at approximately 2m in height. Brick walling to rear at approximately 2m in height with additional tree screening along the rear northern boundary at over 3m in height.
SITE CHARACTERISTICS	The site comprises a two storey detached building with flint and red brick quoin elevations. The building is currently being used as a care home for adults with learning difficulties. There are flat roofed one and two storey additions on the rear elevation of the property. A detached pre-fabricated garage is at the end of the rear garden and fronts Gloucester Lane. An existing parking area lies adjacent to the garage.

CHARACTER OF LOCALITY	Situated within a residential area, there are a mix of house types in the area including two storey terraced and detached properties. Some dwellings fronting Arundel Road have garaging and parking areas to the rear of the sites accessed from Gloucester Lane.

RELEVANT SITE HISTORY

LU/12/89	Rear extension on ground and first floors to existing residential childrens home	ApproveConditionally 20-03-1989
LU/317/01/	Change of use from children's home to single residential dwelling	ApproveConditionally 07-12-2001
LU/6/07/	Change of use from domestic dwelling to care home for 8 people with learning difficulties.	ApproveConditionally 28-02-2007
LU/198/07/	Conservatory to rear elevation.	ApproveConditionally 10-07-2007
LU/31/11/	Additional accommodation for adults with learning disabilities	ApproveConditionally 25-03-2011

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted

CONSULTATIONS

Economic Regeneration
Environmental Health
Listed Building Officer
WSCC Strategic Planning

Consultations responses received:

Environment Health
No comment.

West Sussex County Council Highways
No objection.
A condition is recommended to be placed on any permission concerning temporary works required during construction.

Comments on Consultation responses:

Comments noted. In response to County Highways, the requirement WSCC to obtain the necessary licences for temporary works during construction cannot be secured by way of a condition as it does not meet the appropriate tests but instead will be drawn to the applicant's attention by way of an Informative.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Building of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN22	Buildings or Structures of Character
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality HER DM2 Locally Listed Buildings or Structures of Character

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 visual and residential amenity.

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

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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 agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the

NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 it 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.

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 site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policies GEN7, GEN12 and GEN22 which seeks to prevent development that would have an adverse impact upon visual and residential amenities, does not adversely affect the appearance or setting of the Building of Special Character and is also acceptable in terms of parking and highways issues.

BUILDING OF SPECIAL CHARACTER (POLICY GEN22, LOCAL PLAN)
The proposed building is situated at the end of a long rear garden and replaces a pre-fabricated garage in a broadly similar location. With its flat roof profile and height at approximately 3m, it is not considered to adversely affect the appearance or setting of the Building of Special Character and as such is considered to comply with policy GEN22 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY
This application seeks a renewal of lapsed planning permission LU/31/11 and is the same in all other respects including the building's dimensions, appearance and location. The single storey

building will replace an existing pre-fabricated garage and parking area to form ancillary accommodation to the care home. The proposal will maintain 2no. parking spaces adjacent to the new building immediately to the north so there will be no additional impact on the highway.

The proposed building will front Gloucester Lane but this street scene is characterised as having other garages, parking spaces, hardstanding and boundary fencing abutting the highway. Therefore, the proposed building is considered to be in-keeping with the appearance of the road.

The proposed building replaces an existing garage and whilst the dimensions are larger including an additional 0.5m in height, the proposal can be accommodated without causing harm to visual amenity given its flat roof design and smooth rendered elevations that will ensure that it has an acceptable appearance.

The proposed building is therefore considered acceptable in design and visual amenity terms and so complies with relevant policy GEN7(ii) of the Arun District Local Plan.

HIGHWAYS AND PARKING (GEN12, LOCAL PLAN)
There has been no objection from a Highways perspective to the proposed building and the two parking spaces. It has been considered that the proposal does not include an increase in car parking provision at the site and as such there are no concerns from highway safety perspective which means that the proposal complies with policy GEN12 of the Arun District Local Plan.

RESIDENTIAL AMENITY
There are no windows in the north and south side elevations to prevent any overlooking on to immediately neighbouring properties Nos. 51 and 55 Arundel Road. The location of the building fronting Gloucester Lane where there are other garages and parking spaces in a similar line and at acceptable distances away from other properties will help ensure that the proposed building does not cause any harmful residential effects such as overbearing or overshadowing.

The proposal is therefore considered acceptable in residential amenity terms and so complies with relevant policy GEN7(iv) of the Arun District Local Plan.

AMENITY SPACE PROVISION (POLICIES D DM2 and D DM3, EMERGING LOCAL PLAN).
It is considered that since the proposed accommodation is ancillary to the care home, forms a renewal of a previous planning permission and the nature of its use, it is considered that it will not need to accord to the Internal or External Space Standards as set out in policies D DM2 and D DM3 of the Emerging Local Plan. However, a condition is proposed restricting the use of the building to the host property in the interests of safeguarding its ancillary nature.

It is therefore recommended that the application be approved, 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 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, a neutral impact has 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

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: Location plan, Block plan, drawing numbers 01036/03 (Existing plans and elevations) dated My 2014 and 01036/02B (Proposed elevations and floor plans) dated December 2010.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The building hereby approved providing additional accommodation for adults with learning difficulties shall be occupied solely for this use which is incidental to the occupation and enjoyment of No. 53 Arundel Road, Littlehampton and shall not be used as a separate unit of accommodation at any time.

Reason: To accord with policy GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

4 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 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: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.