

Recommendation Report for Planning Permission**REF NO:** LU/15/13/**LOCATION:** 44 North Street
Wick
Littlehampton**PROPOSAL:** Application for renewal of unimplemented planning permission following outline application LU/363/09 for 1 No. 3 bedroom dwelling.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Proposal is for renewal of an outline application with all matters reserved. The illustrative plans indicate a 3-bedroom 2-storey end of terrace dwelling, with garage, linked to No. 44 with the ground floor extending 2.8m beyond the rear elevation with No. 44
SITE AREA	.02 hectares
RESIDENTIAL DEVELOPMENT DENSITY	50 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Front open. Wire mesh to rear and side to 1.6m.
SITE CHARACTERISTICS	Currently garden to No. 44. Shed on site at present. Path along side and rear boundary. End of terrace dwelling. Pebble render elevations. Plain tile roof. No other rear dormers in rear elevations of adjoining properties. End elevations of Nos. 42 and 44 no windows.
CHARACTER OF LOCALITY	Predominantly residential characterised by mainly 2-storey properties.

RELEVANT SITE HISTORY

LU/21/91	Outline Application for 1-3 bedroom, 2 storey house and garage (new end of terrace)	Approve Conditionally 18-02-1991
LU/363/09/	Outline application for 1 no. 3 bedroom dwelling	Approve Conditionally 12-03-2010

REPRESENTATIONS**Representations received:**
Littlehampton Town Council

No objection

Other representations: None

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning
WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

County Highways
No objection

Southern Water

No objections. Original comments remain valid and unchanged. Public sewer within site.

Comments on Consultation responses:

Comments noted

The applicant has tried to address the condition previously imposed relating to the public sewer, but despite additional information Southern Water have not altered their comments. Since the position of the sewer and connection to it is a private matter between the applicant and Southern Water the requested condition has been included as an informative.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

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 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention

to revoke regional strategies.

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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity. 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

The site lies within the built up area where residential development is acceptable in principle, subject to usual development control criteria being met.

The provision of an end of terrace 2-storey property would be in keeping with the established pattern of development in the locality and would not look out of place or inappropriate in the street scene. A terrace of 5 properties adjoins the site to the west. The size of the plot is readily comparable with others in the vicinity. There would therefore be no adverse effect on the visual amenities or character of the locality.

This is a renewal of a 2009 permission and there has been no change in policy since this time. This is a relevant material consideration.

With regard to residential amenity it is likely the dwelling would have first floor rear windows facing over the rear garden area. Provided windows in the side elevation at first floor level are controlled by condition no adverse overlooking effects would result. The site adjoins a metre wide right of way which ensures a gap is retained to the site boundary with No. 42. No loss of light or

overbearing effects would result to No. 42. No openings exist in the side elevation. No. 42 is 2.5m from the site boundary. However, the indicative ground floor rear projection of the extension does not quite comply with the 45-degree rule, but this is onto the applicants property within the blue edge and therefore at this outline stage the proposal is acceptable.

The proposal has been submitted with a legal agreement to secure the provision of affordable housing contributions of £1,876.

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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 (the right to respect for 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 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

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;

(e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans Location plan and NS 44/1 (rev2.10.01-15) 91.01.04.

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

- 4 No windows shall be constructed at first floor level in the west elevation of the building hereby permitted which adjoins the side boundary with 42 North Street without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The building hereby permitted shall not be occupied until secure and covered provision for cycle parking has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used for the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of cycles in accordance with policy GEN7 of the Arun District Local Plan.

- 6 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 7 INFORMATIVE: Before development commences the developer must advise Southern

Water of the measures which will be undertaken to divert the public sewers.

- 8 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing contributions.
- 9 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.