

Recommendation Report for Planning Permission

REF NO: LU/22/18/PL

LOCATION: 47 South Terrace
Littlehampton
BN17 5NU

PROPOSAL: Renewal of gas supply. This application affects the character & appearance of the Littlehampton Seafront Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal has also been the subject an application for Listed Building Consent which has already been granted. Listed Building issues are dealt with in that report.
	This application is retrospective and relates to piping installed on the rear exterior of these premises in order to provide a gas supply to the flats. These pipes are painted black and affixed to the walls with brackets, all in metal.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The rear of the site where the gas pipes have been installed is partially screened by other buildings.
SITE CHARACTERISTICS	The site is occupied by a 4 storey building with 3 storey rear element. The rear elevation is brick with a small amount of white painted/rendered brick at lower level. The site has been previously converted into 4 flats. Existing rainwater pipes, foul water and vent piping on rear elevation painted black.
CHARACTER OF LOCALITY	Conservation Area with terraced dwellings of an imposing nature. Rear elevations mainly brick and screened by surrounding buildings and walls for the most part.

RELEVANT SITE HISTORY

LU/96/97/CLE	Application for Certificate of Lawfulness for existing use as 4 flats	Approve 20-06-97
LU/23/18/L	Listed building consent for renewal of gas supply.	ApproveConditionally 09-04-18

Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Littlehampton Town Council

Littlehampton Town Council raises no objection.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The ADC Conservation Officer raises no objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Listed Building, Grade II

Conservation Area.

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

AREA2 Conservation Areas

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP2 Built -Up Area Boundary

D DM1 Aspects of Form and Design Quality

D DM4 Extensions & Alterations to Existing Buildings

D SP1 Design

HER DM1 Listed Buildings

HER DM3 Conservation Areas

HER SP1 The Historic Environment

[Littlehampton Neighbourhood Plan 2014 Policy 1](#)

The Presumption in Favour of Sustainable Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Littlehampton had a Made Neighbourhood Plan and Policy 1 & 2 are relevant and the proposal is in accord with this policy.

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.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the 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 comply with the above criteria in that it is not considered to materially affect and harm the character 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

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 policy GEN7 and AREA2 which seek to prevent development that would have an adverse impact upon visual and residential amenities as well as preserve or enhance the character of the Conservation Area. Policies in the Emerging Local Plan are also considerations, these also seek to ensure that development would not have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks retrospective consent for the installation of this gas supply pipework. The works are not widely visible and are not therefore considered to result in harm to the character and appearance of the premises or the Listed Building or the Conservation Area. They also sit reasonably well against the darker brick background on which they are located and amongst the pre-existing pipework. The works are also capable of removal and do not result in permanent harm to the appearance of the building.

It is considered that the works result in less than substantial harm.

RESIDENTIAL AMENITY

The piping does not give rise to an appreciable impact on residential amenity and as such there is no harm in this regard.

It is therefore recommended that planning permission is granted 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 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be in accordance with the following approved drawings and material:

Supporting Information Document - Dated January 2018
 Drawing Number Appendix 1/A - Block Plan - Dated 26.01.18
 Drawing Number Appendix 2/A - Elevation on Arrow A - Dated 26.01.18
 Drawing Number Appendix 3/A - Elevation on Arrow B - Dated 26.01.18
 Appendix 4 - Photographs of Completed Installation
 Appendix 5 - Correspondence Record - Received with Application

For the avoidance of doubt and in the interests of the appearance of the building and the Conservation Area in accordance policies AREA2 and GEN7 of the Arun District Local Plan 2003.

- 2 **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.