

Recommendation Report for Planning Permission

REF NO: LU/255/17/PL

LOCATION: Unit 50 & Unit 51
Eldon Way
Littlehampton

PROPOSAL: Fencing & access gates to north west boundary & replacement of fencing to north east boundary.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks planning permission for the replacement of the existing damaged palisade fencing to the north-eastern boundary of the site and the erection of 2.1m high palisade fencing and gate to the north-western boundary, forward of the primary elevation.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front boundary of the site is currently open with the side boundaries of the site featuring 2.1m high palisade fencing.

SITE CHARACTERISTICS

The site is occupied by an industrial unit with brick elevations and corrugated roof.

CHARACTER OF LOCALITY

The character of the locality is commercial with industrial buildings of a similar design and style.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7	Built-up Area Boundary The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality SD SP2 Built-Up Area Boundary
Littlehampton Neighbourhood Plan 2014 Policy 1		The Presumption in Favour of Sustainable Development
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 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 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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Littlehampton Neighbourhood Plan has been made and policies 1 and 2 are considered relevant to the determination of the application and have been taken into account.

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 application site is situated within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In the determination of this application the key development plan considerations are deemed to be GEN7 of the Arun District Local Plan, Littlehampton Neighbourhood Development Plan policies 1 & 2 and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

Palisade fencing to a height of approximately 2.1m is already present to the north-eastern and south-western boundaries of the site. Therefore, it is considered that the replacement of the damaged fencing to the north-east will have no unacceptably adverse impact upon the established character of the locality.

The proposed palisade fencing and gates situated forward of the primary elevation will be clearly visible within the street scene. Whilst, this boundary is currently open it is considered that the proposed fencing will not adversely impact upon the character of the locality. Palisade fencing is present elsewhere on the site and in the immediate locality. To the north-west of the application site is the Keystone Centre which features 2m high palisade fencing along the primary elevation adjacent to the highway. Therefore, it is considered that the proposed fencing and gates will not have an unacceptably adverse impact upon the character of the locality and are as such deemed to accord with policy GEN7(ii) of the Arun District Local Plan.

NEIGHBOUR AMENITY

The proposed palisade fencing by virtue of its location is not considered to give rise to any unacceptably adverse harm to the amenities of neighbouring properties. Therefore, the proposal is considered to accord with policy GEN7(iv) of the Arun District Local Plan.

HIGHWAYS

The application site is situated to the south of Eldon Way which is a D class road. It is considered that the proposed gates by virtue of their location if shut would prevent vehicles from immediately entering the site and thereby possibly have some impact upon the free flow of traffic along Eldon Way. However, it is considered that as this is a D class road and serves as one of the access routes into Lineside Industrial Estate. It is considered that the proposed gates and fencing would not have a severe impact upon the highways network - therefore, the proposal is deemed to accord with paragraph 32 of the NPPF and GEN7(vii) of the Arun District Local Plan.

SUMMARY

The proposed development is located within Littlehampton's built up area boundary and is deemed to accord with relevant development plan policy and as such the proposal is recommended for approval subject to the below 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 plans;

- Block Plan - DRG No. 3910_D1006 1
- Proposed Site Plan - DRG No. 3910_D1003 3
- Layout - 22/11/07

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.

- 3 **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.