Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: **LU/265/17/HH**

LOCATION: Dormy Cottage
Rope Walk
Littlehampton

PROPOSAL: 1 No. bedroom detached annexe with garage (resubmission of LU/281/16/HH).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above The proposed annex building is a two storey structure measuring approximately 15.5m long, 12m wide (max) and 5.3m high (max) stepping down to 4.3m high. The proposed development comprises1 bed living accommodation and garages. Materials to be zinc and render walls and dark grey GRP or zinc roof
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The property has a timber fence approximately 1.8m high and mature planting. There is a vehicle access leading to the existing outbuilding / garage structure. Along the side boundary adjacent to footpath there is a chain link fence.
SITE CHARACTERISTICS	Two storey residential property set on a large plot. The property has an existing outbuilding/garage structure close to road access.
CHARACTER OF LOCALITY	The area has a mix of uses and buildings including residential and commercial. In addition Littlehampton Golf Course is close by. To the south is the River and associated riverside uses.

RELEVANT SITE HISTORY

LU/44/50	Garden room tool shed fuel store	Approve 26-06-1950
LU/35/58	Erection of double garage	ApproveConditionally 09-05-1958
LU/253/62	Extension to private house	Approve 15-12-1962
LU/281/62	Extension	Approve 14-01-1963

There is a relatively long planning history although there is nothing of direct relevance to the current planning application. A similar application was previously withdrawn to address the EA concerns

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council object to the application. The Committee supported comments from the Environment Agency.

No response to public consultation.

Comments on Representations received:

The Town Council comments are noted however the Environment Agency have subsequently amended their response and no longer object and the Town Council raised no other objection and the flooding issue has been resolved and as such the objection has been addressed.

CONSULTATIONS

Environment Agency

Consultations responses received:

The Environment Agency initially objected to the proposal on flood risk grounds but this was later changed to no objection as follows:

On the basis that there are to be no habitable rooms/sleeping accommodation on the ground floor, and the applicants architect has confirmed that finished floor levels for habitable purposes can be set at 4.33mAOD (ideally 4.63mAOD to allow for climate change allowances), we are satisfied our previous objection can be removed.

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment Accompanying Statement submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall only be carried out in accordance

with the additional 'Accompanying Statement provided by Caldotech in support of Undo Consultants Flood Risk Assessment (FRA) and the following mitigation measures imposed:

1.Finished floor levels for habitable/sleeping accommodation are set no lower than 4.33m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason
1.To reduce the risk of flooding to the proposed development and future occupants.

Informatives.

Any works in under or over the Ropewalk Ditch,a classified main river under the jurisdiction of the Environment Agency or within 8 metres from the watercourse bank edges, a Flood Risk activity Permit (FRAP) will need to be applied for.

We recommend the previously identified flood resilience measures be implemented. Any flood plan which should be included so as future occupants are aware of what to do in a flood event. The plan will likely include registration with the Environment Agency's flood warning service. However ultimately any flood plan would be determined by the local authority's emergency planning officer/team

Comments on Consultation responses:

Comments noted and addressed in the report below

POLICY CONTEXT

Designation applicable to site:
Outside built up area
Flood Risk Zone 3

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	DEV19	Extensions to existing residential buildings
	GEN10	Tidal Flooding and Coastal Defence
	GEN11	Inland Flooding
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality C SP1 Countryside D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP2 Built-Up Area Boundary W DM2 Flood Risk
Littlehampton Neighbourhood Plan 2014 Policy 1		The Presumption in Favour of Sustainable

Development

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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).

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

The application site is situated outside the built up area comprising an isolated property adjacent to the river and Littlehampton Golf Course. The proposed building is a relatively large structure with a footprint of approximately 170sq.m sq.m. The design of the building including proposed materials is contemporary and in itself not unacceptable. The proposed annex is located relatively close to the main house. The proposed site of the building is currently garden area.

Adopted planning policy seeks to protect the natural environment by strictly controlling development outside the built up area. Development outside the defined built-up area will only be allowed where it complies with other policies. Policy GEN 3 Seeks to ensure that outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. In addition, policy GEN7 applies to all development and seeks to ensure that proposed developments is acceptable. The policy advises that development will be granted permission if it complies with a number of specific criteria. Criteria (ii) states, "demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness". The aim of the criteria is to ensure that new development has regard to and is not harmful to the character and appearance of the area.
The emerging local plan policy LAN DM1 is of a similar vein by seeking to protect the landscape of the District, and requires that, "Development will be permitted where:
a. Landscape character, including its natural features, are conserved or enhanced Developments shall only be permitted where they will not have a demonstrable visual impact on either the landscape character of Arun or the setting of and views into and out of the South Downs National Park."

It is noted that the proposed development would be an ancillary use to the main house and as such its use can be controlled by a suitable planning condition. The proposed annex would be visible from outside the site but given the wider character of the area and size of some surrounding buildings it is not considered that the proposed size of the building and it proposed siting would be harmful to the character and appearance of the area.

The proposed development is not sited adjacent to other residential properties and as such will

not give rise to any adverse amenity issues such as loss of privacy and outlook.

With regard to floor risk the Environment Agency have lifted their objection subject to conditions based on the submitted FRA. The key points being that the finished floor levels for habitable/sleeping accommodation are set no lower than 4.33m above Ordnance Datum (AOD). The applicant's agent in their submission confirms "In previous Planning Application LU/281/16/HH, it was identified that the 1 in 200 year level of flooding was identified as 4.33m aOND. It was recommended that the finished internal floor levels were raised by a minimum of 1.48m from the level set in LU/281/16/HH. In the redesigned scheme, this has been done." As such based on this submission the flood risk issue is considered acceptable. As the development is for an annex and not a separate dwelling it is considered that the development is similar to household extension.

There are no unacceptable parking implications arising from the proposed development.

In summary, in considering the matters as a whole it is considered that the amended submission addresses the previous concerns. The proposed development is not considered to have an adverse impact on the visual amenity of the wider areas. As such the proposed development is in compliance to adopted planning policy in the Arun Local Plan 2003 and the Littlehampton Neighbourhood Plan. The proposed development is therefore recommended for approval 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

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
16055/01 & 16055/02.

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 No development above damp proof course (DPC) level shall take place unless and until samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Dormy Cottage, Rope Walk, Littlehampton, BN17 5DE and shall not be sold, let or occupied separately from the main residential use of the property known as Dormy Cottage, Rope Walk, Littlehampton, BN17 5DE

Reason: In the interests of the amenity and character of the area in accordance with policy GEN7 of the Local Plan.

5 The finished floor levels for habitable/sleeping accommodation should be set no lower than 4.33m above Ordnance Datum (AOD).

Reason
To reduce the risk of flooding to the proposed development and future occupants.

6 The mitigation measures, identified in the flood risk assessment, submitted by the applicant and prepared by UNDA dated September 2016, reference FRA86591-Caldotec- Rope Walk shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason
To reduce the risk of flooding to the proposed development and future occupants.

7 The garages and garage /workshop hereby approved at ground floor level shall only be used for the purposes of parking of vehicles or ancillary residential activities and not used

for any habitable accommodation without the consent, in writing, of the Council.

Reason
To reduce the risk of flooding to the proposed development and future occupants.

8 INFORMATIVE: Any works in under or over the Ropewalk Ditch,a classified main river under the jurisdiction of the Environment Agency or within 8 metres from the watercourse bank edges, a Flood Risk activity Permit (FRAP) will need to be applied for.

9 INFORMATIVE: The Environment Agency recommend that the previously identified flood resilience measures be implemented. Any flood plan which should be included so as future occupants are aware of what to do in a flood event. The plan will likely include registration with the Environment Agency's flood warning service. However ultimately any flood plan would be determined by the local authority's emergency planning officer/team

10 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.