

Recommendation Report for Planning Permission

REF NO: LU/283/14/PL

LOCATION: Norway Farm House
Norway Lane
Littlehampton

PROPOSAL: Demolition of existing dwelling & detached single garage & construction of 1 No 3 bedroom dwelling with 2 No detached garages (resubmission following LU/206/14/PL)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a replacement 2 storey, 3 bedroom dwelling house.
SITE AREA	1,281 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	78 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging/fencing to site boundaries to approximately 2m high
SITE CHARACTERISTICS	Detached 2 storey dwelling boarded up with some windows concealed by planting. Plain tile roof and painted rendered elevations. Sheds in garden. Grass has been mown.
CHARACTER OF LOCALITY	The site is located off a rural track behind the existing industrial Body Shop premises.

RELEVANT SITE HISTORY

LU/361/01/	Outline application for three bedroom dwelling to replace previously demolished dwelling (Departure from the Development Plan)	Refused 25-02-2002 <i>Appealed</i> Appeal: Invalid - DOE 21 10 2002
LU/206/14/PL	Demolition of existing part-derelict dwelling and detached single garage and construction of new replacement 3 bedroom dwelling and associated detached outbuildings.	Withdrawn 03-09-2014
LU/139/59	Detached house	ApproveConditionally 29-08-1959

LU/375/80	Erection of four bedroom house for nurseryman owner	Refused 20-08-1980
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LU/139/59 granted consent for the 3 bedroom detached dwelling this application seeks to replace. Its occupation was not restricted by condition to an agricultural worker.

REPRESENTATIONS

Representations received:

Littlehampton Town Council
No Objection

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

County Highways - No anticipated highway safety or capacity concerns. Conditions should be imposed relating to car parking, turning and cycle parking.

County Ecologist - No Objection subject to a suitably worded informative relating to bats

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
No public sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):	SD SP2	Built-Up Area Boundary
	C SP1	Countryside
	D DM1	Aspects of Form and Design Quality
	D DM2	Internal Space Standards
	D DM3	External Space Standards
	D SP1	Design

PLANNING POLICY 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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Felpham.

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 site lies outside the built up area boundary where residential development is contrary to

policy. However the dwelling would represent a one for one replacement and in principle it is therefore acceptable.

The proposed dwelling would be slightly larger than the property it is replacing, but it would still have 3 bedrooms. The agent has confirmed that the existing dwelling has not been occupied for the last 7 years and has been boarded up following a break in and damage and theft to the inside of the property. The replacement dwelling would be located in a similar position on the plot to the existing dwelling and would be similar in design. The impact on the character of the area and visual amenity are therefore acceptable. The dwelling would have a larger footprint than the existing (1.5m wider and 1.2m deeper) and would be 1m higher than the existing dwelling. These increases are not considered significant in relation to the overall bulk and size of the dwelling.

A legal opinion was sought on the earlier withdrawn application as to whether the residential use had been abandoned. It was concluded that the grass in the garden had been regularly cut and whilst the residential use had ceased in 2007 and it had not been abandoned. The property had been vandalised which resulted in the need for it to be made secure.

The property is not located close to other residential properties and would not result in any adverse impact on residential amenity. The impact of noise from the adjacent industrial units would not alter from the current position.

The room sizes and garden sizes accord with the space standards in the Emerging Local Plan.

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 neutral 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 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 14114/P100 and P101.

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 The dwelling shall not be occupied until the parking spaces, turning facilities and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles and parking of cycles.

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

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed dwelling and garages have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

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

- 5 **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.

- 6 **INFORMATIVE:** A European Protected Species Licence pertaining to bats will be required from Natural England prior to the start of development or any preparatory works likely to impact upon them. Failure to secure the licences beforehand may lead to prosecution.