

Recommendation Report for Planning Permission**REF NO:** LU/310/13/**LOCATION:** 114 Clun Road
Littlehampton**PROPOSAL:** Erection of 2 No garages (resubmission following LU/83/13/).**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The two garages will be contained within a single flat roofed structure measuring 5.6 metres in length and width and approximately 2.4 metres in height.
SITE AREA	Approximately 660 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None affected.
BOUNDARY TREATMENT	Low wall along site frontage. Northern boundary is marked by approximately 1.8 metre high chain link fencing, eastern boundary by 2 metre high timber fencing and southern boundary by mix of approximately 2 metre high concrete block walling and timber fencing.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey building that has been extended and divided into 8 separate residential flats. The building is surrounded by hard surfacing which incorporates 8 parking spaces.
CHARACTER OF LOCALITY	The site is located on a street within a high density residential area which is characterised by a mix of two storey residential dwellings interspersed with blocks of flats, also predominantly two-storey. Planned landscaping including grass verging and green areas enables a sense of openness to be maintained.

RELEVANT SITE HISTORY

LU/113/05/	Extend existing block of 5 studio flats to form 3 extra flats making a total of 8.	ApproveConditionally 02-06-2005
LU/83/13/	Erection of 2 No garages	Refused 02-07-2013

REPRESENTATIONS**Representations received:**

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:
(NOT REQUIRED FOR CLE/CLP)

DEVELOPMENT PLAN POLICIES

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

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

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 proposed scheme follows a previous application which was refused as it would have resulted in the loss of off street parking spaces that were required to be provided as a condition following the approval for an extension to the flats made under LU/113/05. The condition required that 8 off street parking spaces were provided. The current block plan shows that the garages will be accommodated on site without the loss of any of the 8 allocated spaces.

The proposed garages will be positioned within the rear parking area which serves the flats and are of a modest scale. They will therefore have no significant visual presence within any street scene. The garages will be visible from public footpaths that run past the rear of the site. However, given their aforementioned modest scale and the fact that they will not be positioned directly adjacent to any footpath, it is not considered that they will appear oppressive. It is therefore considered that the proposed garages would not result in an unacceptable adverse impact upon the character and appearance of the surrounding area.

The garages will be positioned away from the windows serving the flats at 114 Clun Road and flats on Helyers Green to the rear of the site. They will therefore not appear overbearing or cause undue levels of overshadowing that would detract from the amenities of neighbouring residents.

The garages will not result in the loss of any parking spaces, which will be reconfigured to ensure that the required provision of 8 spaces is maintained, and will not compromise the existing on site parking arrangements, which have recently been implemented. It is therefore considered that there will be no detrimental impacts upon traffic flow and highway safety.

It is therefore recommended that the application is approved, 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 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 it has been determined that it would result in a neutral impact 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).

As such, there is no requirement for mitigation measures to be implemented.

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:-

920;
920/01/11/A;
920/01/12;
920/01/23;

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

- 3 The building hereby permitted shall be used for the storage of motor vehicles only and for no other purpose.

Reason: In the interests of the character and amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The garages shall not be occupied until the parking spaces shown on the submitted plans 920/01/12 have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of motor vehicles.

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.

- 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 identifying matters of concern within the previous application (LU/83/13) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.