

Recommendation Report for

REF NO: LU/47/22/OHL

LOCATION: Rear of 27-33 Beach Road
Littlehampton

PROPOSAL: Notification under Overhead Lines (Exemption) Regulations 2009 to remove and replace pole 550586 with a 12-metre stout service pole which no longer requires any stays to support itself.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks consent under Section 37 of the Electricity Act 1989 to install an electric line above ground. It also seeks planning permission for the development under section 90(2) of the Town and Country Act 1990. The existing equipment raises safety concerns and the proposal has been submitted to remove the existing apparatus and provide a replacement pole with a 12m pole which does not require stays. Consent is sought to dismantle the existing low voltage pole and overhead service. The proposal will upgrade the aerial cable to ensure a 3 phase service and includes raising mounting to the top wall near to the front of the property and reconnecting to the meter on 37-39 Beach Road. The car wash premises has requested their service to be put underground.
TOPOGRAPHY	Predominantly flat
SITE CHARACTERISTICS	Overhead power lines supported on poles exist within the car park area on the rear boundaries of adjacent properties.
CHARACTER OF LOCALITY	Mixed use in town centre location, comprising retail, commercial and residential uses.

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
INFSP1	INF SP1 Infrastructure provision and implementation

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 there would be no adverse impact on visual amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations

Section 90 of the Town and Country Planning Act 1990 states

'(1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority or by statutory undertakers who are not a local authority, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(2) On granting or varying a consent under section 36 or 37 of the Electricity Act 1989 in relation to a generating station or electric line in England or Wales, the Secretary of State may give a direction for planning permission to be deemed to be granted, subject to such conditions (if any) as may be specified in the direction, for

- (a) so much of the operation or change of use to which the consent relates as constitutes development;
- (b) any development ancillary to the operation or change of use to which the consent relates.'

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The works are required to address and resolve an existing safety issue. The proposal is to remove a safety issue with the existing pole and to upgrade the efficiency of the line. The supplier has submitted the proposal to ensure they comply with the Electricity Safety, Quality and Continuity Regulations 2002. The proposals are accepted as being necessary.

It is considered that the overhead line will not have a materially adverse effect on the visual amenities of the locality. There will be less visible overhead infrastructure due to the removal of one span of network.

The proposal is compliant with policy INF SP1 of Arun Local Plan in that it would provide updated infrastructure and services needed to support development to meet the needs of occupiers and users within the existing community. Policy INF SP1 also states that the Local Planning Authority will support proposals by service providers for the delivery of utility infrastructure and the improvement or development of locally important infrastructure where needed to serve existing development.

CONCLUSION

It is accepted that the work are reasonably necessary in terms of health and safety and that they will upgrade and maintain essential infrastructure. It is therefore recommended that no objection is raised to the proposal.

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

NO OBJECTION