

Recommendation Report for Planning Permission

REF NO: LU/4/18/PL

LOCATION: The Old Dairy Farm
3-5 Church Street
Littlehampton
BN17 5EL

PROPOSAL: Re-instatement of gates. This application affects the character & appearance of the East Street, Littlehampton Conservation Area & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Sliding wrought iron decorative gates measuring approximately 2.2m in height and 5.835 metres in width on the access to the housing development approved under reference LU/13/15/PL.
SITE AREA	Approx. 2200 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Along the main site boundaries there is a mixture of brick and flint walling mainly measuring 2-3m in height.
SITE CHARACTERISTICS	The application site was granted planning permission for the demolition of the existing building and the erection of 8 no. residential units under reference LU/13/15/PL. The site comprises semi-detached and terraced dwellings of 2 and 2 1/2 storeys with gardens to the front and rear.
CHARACTER OF LOCALITY	Mixed residential and commercial in character. There is a medical centre and the Flintstones Community Centre to the west and a parade of shops opposite the site entrance in Church Street. There are 2 and 2 1/2 storey semi-detached properties in Goda Road to the east, terraced houses to the south and 2 storey semi-detached properties to the north in East Street.

RELEVANT SITE HISTORY

PAA/196/17/	Addition of sliding gates.	Approve Pre App 21-12-17
LU/13/15/PL	Demolition of original dairy distribution depot and	ApproveConditionally

construction of eight dwellings and ancillary works. This application affects the character and appearance of the Littlehampton (East Street) Conservation Area.

23-04-15

The gates to be re-instated and moved are the original gates from the dairy which have been renovated, are to be reconfigured to be sliding gates and located in a new location within the estates private access road.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

The Conservation Officer made comments on the scheme at pre-application stage (PAA/196/17)

COMMENTS ON CONSULTATION RESPONSES:

The Conservation Officer made comments on the scheme at pre-application stage (PAA/196/17) and made no objections to the scheme with respect to impact on the appearance of Conservation Area or on the setting of the Listed Buildings nearby.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS C ROAD

CONS AREA

NO PUBLIC SEWER

PD RESTRICTION

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2 Built-up Area Boundary

GEN7 The Form of New Development

AREA2 Conservation Areas

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D SP1 Design

SD SP2 Built -Up Area Boundary

HER DM3 Conservation Areas

[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 Main Modifications to the Arun Local Plan (2011-2031) were out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

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.

Polices 1 & 2 of the Littlehampton Neighbourhood Development Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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.

LISTED/CA

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building nearby or the character of the Conservation 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, as defined by policy GEN2 of the Arun District Plan and the Littlehampton Neighbourhood Plan, where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policy consideration is considered to be AREA2 and GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed gates will measure approximately 2.2m in height and will be situated approximately 30m from the highway. The proposed gates by virtue of their location will have a limited presence within the street scene and as such are not considered to give rise to any unacceptably adverse harm to the character of the locality.

It should also be noted that gates in this location measuring a maximum of 2m in height could be constructed under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Therefore, it is considered that the proposed gates would accord with policy GEN7 of the Arun District Local Plan.

The proposed gates by virtue of their design and siting would preserve the character of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan. No objection to the scheme was made by the Conservation Officer at pre-application stage (PAA/196/17).

RESIDENTIAL AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties as they would not give rise to any unacceptably adverse harm to the amenities of neighbouring properties.

SUMMARY

The application is considered to accord with the Local Development Plan and the NPPF and is recommended for approval subject to the following conditions;

HUMAN RIGHTS ACT

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;

Dwg.no. PL01 - Site Plan and Plan dated Jan 2018

Dwg.no. PL02 - Proposed Elevation dated Jan 2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 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.