

REPORT UPDATE

Application No: LU/52/12/

Reason for the Update / Changes

Reason for Update/Changes:

Conservation Area Advisory Committee:

No objection.

Officers Comment:

None.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/52/12/

Recommendation Report for Planning Permission

REF NO: LU/52/12/

LOCATION: 47 River Road
Littlehampton

PROPOSAL: Provision of new floating pontoon accessed via 5 no. access ladders from approved projecting balconies

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to provision of a new floating pontoon measuring 2m wide x 26.55m long. It would be accessed by ladders from the proposed projecting balconies serving the recently approved terraced dwellings. The pontoon would have a hardwood decked surface on aluminium bearers and would be supported on floats constructed of fibre reinforced concrete.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A

SITE CHARACTERISTICS	Terrace of five Victorian workshop units built in brick and cobbled flint sitting beneath gable roofs. The buildings backing onto the river consist of part flint and part tall timber warehouse-like doors and windows.
CHARACTER OF LOCALITY	Predominantly residential area. Recent riverside residential development to the south following redevelopment. Existing site commercial.

RELEVANT SITE HISTORY

LU/91/07/	Demolish existing building, retaining the existing facades on River Road, the north-west boundary flank and party wall on the south-east boundary, and construct three storey building containing 9 No. 2 bedroom, and 3 No. 1 bedroom apartments, with open parking at ground floor	Refused 14-06-2007
LU/407/07/	Demolish existing building, retaining the existing facades on River Road, the north west boundary flank and party wall on the south east boundary and construct three storey building containing 9 No 2 bedroom and 3 No 1 bedroom apartments with open parking at ground floor. (Re-submission following LU/91/07/)	Refused 06-02-2008 Appeal: Allowed+Conditions 22 10 2008
LU/44/11/	Demolish existing building, retaining the existing facades on River Road and party wall on the south east boundary. Rebuild north west boundary flank wall. Change of use to residential. Construct new three storey building consisting of 5no. 4Bed houses, and open parking at ground floor level.	Approve Conditionally 31-05-2011
LU/45/11/CA	Demolish existing building, retaining the existing facades on River Road and party wall on the south east boundary within the Littlehampton (River Road) Conservation Area.	Approve Conditionally 02-06-2011
LU/321/11/DOC	Application for approval of details reserved by conditions 5, 6 and 15 of previously approved planning application LU/44/11	DOC Approved 21-11-2011

REPRESENTATIONS

Representations received:
Littlehampton Town Council

Objection:

Please refer to Harbour Manager for an opinion on the effect on the river.

Comments on Representations received:

The Harbour Board have been consulted on the application and have no objection.

CONSULTATIONS

Environment Agency

Conservation Area Advisory Com

Engineering Services Manager

Engineers (Coastal Protection)

Littlehampton Harbour Board

Consultations responses received:

Council's Engineers:

No objection.

Environment Agency:

No objections. Informative suggested.

Harbour Board:

Applicant has complied with request of Harbour Board regarding maximum distance from the existing wall at 47 River Road to the outboard side of any moored vessel at this location not exceeding 6.7m.

The plans show the outer edge of the pontoon is 3.6m from the edge of the building so this allows for a maximum beam of 3.1m which is a sensible allowance for this location.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within designated Conservation Area

Abuts River Arun

Building or Structure of Character

DEVELOPMENT PLAN POLICIES

South East Plan:

[SEPBE6](#)

Management of the Historic Environment

Arun District Local Plan:

[GEN7](#)

The Form of New Development

[GEN23](#)

The Water Environment

[AREA2](#)

Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

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.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 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 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

PLANNING HISTORY:

The proposed pontoon relates to a recent approval for 5 No. 4 bed houses at 47 River Road. This permission has yet to be implemented. The pontoon would be accessed via ladders from the rear of each unit.

IMPACT ON CONSERVATION AREA:

The pontoon will not detract from the character and appearance of the Conservation Area. It will not be a significant or visually prominent structure in the locality. The materials would be appropriate to its river location.

THE WATER ENVIRONMENT:

The use of the pontoon for private moorings would accord with Policy GEN23 of the Local Plan which seeks to support initiatives which restore or enhance the water environment. The Harbour Board and Environment Agency have no objection to the proposal.

VISUAL AMENITY:

The pontoon would measure 26.55m long x 2m wide and given this limited size and the proposed design it would not be inappropriate for this location. Hardwood decking would be in keeping with other riverside development in the area.

CONCLUSION:

It is therefore recommended that the application is approved 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 for family and private 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

In assessing this proposal no negative 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

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 This permission shall enure for the benefit of the occupiers of the dwellings approved under planning permission LU/44/11 only.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential

amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN23, AREA2

SOUTH EAST PLAN: SEPBE6

NATIONAL PLANNING POLICY FRAMEWORK

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.