

## REPORT UPDATE

Application No: LU/54/22/PL

### Reason for the Update / Changes

Reason for Update/Changes:

9 additional letters of objection.

These re-iterate that the style of fence to the rear, which runs along the boundary with The Old Dairy Farm, is inappropriate in terms of outlook from neighbouring dwellings and its visual impact on the Conservation Area and the listed status of the Flintstone Centre.

### Officers Comment

As covered by the officer's report higher fencing to the rear would not form a hard visual barrier and is minimally intrusive causing limited disruption to historic fabric. It would have a low impact and would not look out of place given the presence of similar existing fencing to the front of the site.

**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 Report for Planning Permission

REF NO: LU/54/22/PL

LOCATION: The Flintstone Centre  
East Street  
Littlehampton  
BN17 6AW

PROPOSAL: Installation of 3000mm high welded mesh fencing and associated single leaf gate along a section of the northern boundary line and along the rear elevation, Ornamental fencing and associated gates to be installed, located adjacent to the existing southern side entrance to the building, as well as the installation of 3000mm high welded mesh fence encapsulating the existing boiler room to the rear of the building, demolition of existing side secondary entrance including existing ramped access and associated fittings. Repairs to the section of wall affected by the removal of the entrance. This application affects the character and appearance of the East Street Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

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| <b>SITE AND SURROUNDINGS</b> |
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#### DESCRIPTION OF APPLICATION

The works comprise the following:

- Erection of a 2m high ornamental fence separating the front hardstanding from the rear car park. The fence is to include a vehicular swing gate;
- Removal of existing 1.2m high fence around stairs and erection of 3m welded mesh fence with pedestrian swing gate;
- Removal of existing mesh fence and gate. Erection of 2m

high ornamental fence with pedestrian swing gate between building and playground;  
 - Erection of 3m welded mesh fence above the existing cobbled wall set onto independent posts to fence set back and above rear boundary wall at South and West boundary.  
 - Alterations to the secondary access to the south elevation of the building including removal of the flat roof extension and ramped access and all associated fixings and provision of a tarmacadam sub-base.

The works are required to provide security for the occupants and to safeguard from trespassers (which has been a reoccurring event in the past few years), safeguard health and safety (specifically falling from heights) around a basement stairwell and provide further security within the premises boundaries to include a clear separation of the car park from the front of the school.

#### TOPOGRAPHY

Predominantly flat.

#### TREES

None affected by the development.

#### BOUNDARY TREATMENT

Much of the perimeter comprises cobbled boundary walling. The front of the site has a modern bow-top fence and gates at 1.2m high aluminium black powder coated fence extending along the South-West corner for the carpark entrance which will be removed. The site has a flint and brick wall with black painted cast iron rails along the front the premises. A 3m high square mesh fence surrounds the north playground and extends between the building and the playground with a pedestrian gate. A flint and 1.8m high brick wall extends along the rear (West) boundary, North and South margins of the premises forming the boundaries with the residential neighbours.

#### SITE CHARACTERISTICS

The Flintstone Centre and low wall to the front of it are Listed as Grade II. The school fronts on to East Street and forms an imposing building. The building is constructed using local materials in a 'gothic' style and is a good example of a late 19C school building. It is currently in use as an education establishment.

#### CHARACTER OF LOCALITY

The site lies on the edge of the town centre. The area is predominantly residential with the character and appearance of the area is largely derived from the nearby buildings which are Victorian/ Edwardian in style, form, function and materials.

### RELEVANT SITE HISTORY

LU/218/20/PL

Erection of new fencing & gates to the rear & sides of building & removal of wire mesh fencing & gate between the playground & building. This application affects the character & appearance of the East Street Conservation. This application is in CIL Zone 4 (Zero Rated) as 'other

Withdrawn  
13-10-20

development'.

|            |                                                                                                                                                                                                                                                                                                                                                                |                             |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| LU/173/06/ | Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for the installation of new fencing and gates to frontage as a modification of planning permission LU/316/05 (This application will be determined by West Sussex County Council)                                                                                      | ApprvdCond-WSCC<br>28-07-06 |
| LU/316/05/ | Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for proposed replacement of the existing fencing, along with additional fence to the hard play area. Also to adapt and widen the entrance wall to provide a separate pedestrian/vehicular access. (This application will be determined by West Sussex County Council) | ApprvdCond-WSCC<br>20-01-06 |

## REPRESENTATIONS

Littlehampton Town Council - Objection, mesh fencing at rear would have a detrimental impact.

Conservation Advisory Panel - No Objection.

The proposals are welcomed and fully overcome the Panel's concerns in respect of the previous application. The works will enhance the setting of the Listed Building and the character and appearance of the Conservation Area; therefore complying with the relevant paragraphs of the NPPF and policies contained in the ADLP relating to the protection of designated heritage assets.

1 Objection:

- Fence is welcomed as a measure to stop pupils from the school climbing over the wall.
- The Euroguard weld mesh fence is ugly and inappropriate. It would be visually incongruous to the residents of The Old Dairy Farm. It would be erected within 10m of the front of numbers 1-5 The Old Dairy Farm, protruding above the flint wall, and along the garden wall of number 8.
- If heritage fencing is appropriate at the front, then it surely should be appropriate at the back as well.
- The Euroguard weld mesh fence is not in any way in keeping with the conservation area and would be erected within 5m of the heritage design and materials used for the gate and fence to Old Dairy Farm.
- Would be supportive of heritage style fence to the rear.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be covered in the Conclusions section.

## CONSULTATIONS

## CONSULTATION RESPONSES RECEIVED:

Conservation Officer - No Objection.

The proposed fencing is required for reasons related to security associated with the education use. It is of a mixture of styles, with those stretches visible from the Conservation Area to the front of the building being of a more appropriate heritage style.

The elements of the fencing with the heritage appearance will be freestanding and independent of the South cobbled boundary wall and/or to the Flintstone Centre itself. Further, it will be set back from the front elevation of the Listed Building which will help to reduce its visual impact. This element of the design is acceptable.

The remainder of the fencing is of a more standard design and 1m taller. There is already a good amount of this type of fencing within the curtilage and whilst not necessarily the best design, will be located behind the existing rear wall, which will reduce its impact. The presence of other similar style fencing will mean that this will read as an extension to existing fencing as opposed to the introduction of something which is completely new to the site. The design also allows views through to the listed building, which will mean that it will still be visible. However, it is not necessarily appropriate for the grounds of a listed building or the immediate local area, and is therefore problematic.

This proposal includes for the careful removal of the flat roof extension including the ramped access. This extension is of little or no significance. Its removal is acceptable and will better reveal the southern elevation of the building.

The heritage statement identifies that it is anticipated that there will be a requirement for minor brickwork repairs and flint wall repairs to the main building. It is requested that this is controlled by condition.

The proposal (when taken as a whole) is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve should be considered as part of your assessment of the application.

Landscape Officer - No Objection.

No landscape mitigation or requirement as a result of the proposals would be necessary.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

### POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Within Littlehampton Conservation Area

Grade 2 Listed Building

### DEVELOPMENT PLAN POLICIES

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

|        |                                                         |
|--------|---------------------------------------------------------|
| DDM1   | D DM1 Aspects of form and design quality                |
| DDM4   | D DM4 Extensions&alter to exist builds(res and non-res) |
| DSP1   | D SP1 Design                                            |
| HERDM1 | HER DM1 Listed Buildings                                |
| HERDM3 | HER DM3 Conservation Areas                              |
| HERSP1 | HER SP1 The Historic Environment                        |

[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 |

**SUPPLEMENTARY POLICY GUIDANCE:**

|       |                                               |
|-------|-----------------------------------------------|
| SPD13 | Arun District Design Guide (SPD) January 2021 |
|-------|-----------------------------------------------|

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

The policies in Littlehampton Neighbourhood Development Plan relevant to determination of this application have been taken into account.

**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 materially adverse impact on visual or residential 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,
  - 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 71(1) of the Planning (Listed Buildings and 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 or the setting of the Grade II Listed Building or the character of the Conservation Area.

**OTHER MATERIAL CONSIDERATIONS**

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

## CONCLUSIONS

### PRINCIPLE

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development in the built up area boundary (BUAB). The application site is located within the BUAB.

Part J.01 of the Arun Design Guide relates to a building's form and character and states that new development must ensure that the existing character and sense of place of an area is respected and enhanced, whilst responding to the site and emulating key features.

The application concerns external works to a Grade II Listed Building in a Conservation Area. Given the building's Listed status, any alterations should protect and enhance the special historic and architectural character of the building, and preserve its setting.

Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest.

Policy HER DM3 states planning permission will be granted for development which preserves or enhances the character and appearance of a Conservation Area or its setting.

Chapter 16 of the NPPF paragraphs 194, 195, 196 and 197 relates to identification and assessment of the significance of the heritage asset, the weight given to the conservation of the asset and the its weight against public benefits of the proposal.

### SITE HISTORY

LU/218/20/PL was submitted in 2020 for fencing around the building. This was withdrawn following feedback from the case officer. This commentary stated:

"Due to the siting, height and design of the proposed fencing/gates to the front right-hand side of the building (which would be most visible in the street scene) the proposals would have a harmful impact on the significance/setting of the listed building and the character and appearance of the Conservation Area. The Conservation Officer has raised concerns in this regard, and the Council's Conservation Area Advisory Panel have raised an objection on these grounds. NB the sections of fencing and gate and the other sides and rear are considered acceptable (given their limited visibility and existing section of fencing/gate left hand side of building)."

The new fencing design seeks to provide security to the premises without disturbing or damaging the surrounding boundary walls. The amended design of the fence relates to areas that can be seen from the front elevation and is specified to a maximum of 2m in height. The separation between the car park and the front hardstanding is proposed be set back from the boundary to avoid encroaching or shrouding the front elevation.

#### DESIGN AND VISUAL AMENITY

The fencing design will be a combination of welded mesh fencing to rear and ornamental fencing to areas visible from the front elevation. The posts are approximately 2.4m apart and at 3m and 2m heights to the back and between the playground and the building on the premises and will terminate to a uniform finish line. This maintains one of the design principles to retain the identity of the premises and help meet Policy D SP1 whilst avoiding the construction of a distinctive feature which detract from the character of the building. The design maintains a separation with existing walling by grounding the posts instead of embedding posts or rails to the fabric of the building or into the surrounding flint and brick boundary walls.

The fencing and removal of the side porch and existing fencing do not result in a significantly harmful impact upon the character and appearance of the host building or its setting. This is as a result of the visual subservience of the existing extension and fencing when viewed in the greater context of the host building and the height, design and position of the fencing. It would have an acceptable design that would allow views through it and would not appear as a solid and visually damaging structure.

The development is in accordance with D DM1, D DM4 (b) of the Arun Local Plan and Policy 1 of the Littlehampton Neighbourhood Development Plan.

#### RESIDENTIAL AMENITY

The development does not result in any significantly harmful impact upon the residential amenities of neighbouring occupiers by way of overbearing or overshadowing impact. This is due to the lack of any significant built form proposed. The 3m high Euroguard weld mesh fence to the rear does impact the residents of The Old Dairy Farm. It would be erected within 10m of the front of 1-5 The Old Dairy Farm, protruding above the existing flint wall. Whilst readily visible it would run along the edge of the access road and would not directly abut any residential curtilage. It would alter the outlook from the front of the dwellings but it this would not result in material harm.

The application is considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

#### EFFECT ON CONSERVATION AREA

Whilst the works will be visible from the wider aspect of the Conservation Area, the higher elements of fencing are to the rear where they are less visible from the public realm. The site has mesh fencing surrounding the playground and the fencing would be designed and positioned so that it is acceptable and does not materially affect the character and appearance of the Conservation Area or the Listed Building within which it is located.

#### HERITAGE IMPACT ASSESSMENT

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard for the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.

Para 194 of the NPPF requires such information to be provided in order to assess the impact of the proposal upon these assets. In this instance, the development does not cause harm to the Conservation Area in which it is sited, or neighbouring Listed Buildings. The works are reasonably minor in scale. The fencing would not be of permanent construction and the higher weld mesh fencing to the rear allows

views through it. The proposal should be determined in accordance with the relevant sections of the Development Plan.

The applicant Heritage Statement includes a description of the listed building and concludes that the benefits of the works outweigh any negative impacts on the property. As per the requirements of the NPPF, the works allow for the building to be sustained, maintaining the benefit of long-term current use.

Paragraph 195 requires the LPA consider the significance of the impact upon that heritage asset. The existing flat roofed structure appears as more recent fabric and detracts from the appearance of the building generally. Its removal is of no significance. The building is of architectural and historic significance, clearly being part of the development of the town, a place of social, leisure activities and interaction, prominently located in the streetscape and of high aesthetic and communal value. The heritage asset in this case is of high significance.

The design of the ornamental fencing has been amended to be more in keeping with the character and age of the Listed Building and reduced in height at the frontage. The higher fencing to the rear would not form a hard visual barrier and is minimally intrusive causing limited disruption to historic fabric. It would have a low impact and would not look out of place given the presence of similar existing fencing on the site.

The alterations to the secondary access to the south of the building include demolition of the flat roofed extension which due to its age, construction, and condition is of limited significance and merit.

The development will lead to less than substantial harm to the designated heritage asset and in accordance with para 202 of the NPPF the harm is outweighed when considered against public benefits which include a safer environment for users of the site and less opportunity for trespass which assist in the continued use of the building.

#### SUMMARY

The works will have an acceptable impact on the setting of the Listed Building and the character and appearance of the Conservation Area and the design and location of the fencing is acceptable in terms of visual and residential amenity. The policies most relevant to the determination of this application are not out of date and para 11c of the NPPF applies. The application is recommended for approval subject to the following conditions.

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| <b>HUMAN RIGHTS ACT</b> |
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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.

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| <b>DUTY UNDER THE EQUALITIES ACT 2010</b> |
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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.

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| <b>RECOMMENDATION</b> |
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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:

Location Plan 002

Block Plan

Proposed Fencing Layout Plan 001

Floor Plan, Existing and Proposed Elevations

Fence Specifications

Ornamental Fence Specifications

Ornamental Fence Elevation ORN/1011 Sheet 1

Ornamental Level Top Double Gates Elevations ORN/2026 Sheet 1

2m High Euroguard Regular Fence Elevations 36/01058 Sheet 3

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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.