

PLANNING APPLICATION REPORT

REF NO: LU/74/15/HH

LOCATION: 55 East Street
Littlehampton
BN17 6AU

PROPOSAL: Formation of new access together with dropped kerb crossover and formation of gravelled hardstanding. (Including removal of part of front boundary wall for which planning permission is not required). This application affects the character & appearance of the East Street Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This application originally sought planning permission for the following description of development:</p> <p>Clear front garden of shingle, shrubs & brick bed surrounds, demolish part of front garden wall, pave garden area & form crossover to road. This application affects the character & appearance of the East Street Conservation Area.</p> <p>However, planning permission is not required for the removal of the front wall as the works are not substantial. Planning permission is required for the new access and consequently the new vehicle hardstanding as the access is from a classified road. The description has therefore been amended to reflect the position.</p>
SITE AREA	<p>The site area is approximately 0.05 hectares.</p>
TOPOGRAPHY	<p>Predominantly flat.</p>
TREES	<p>None of any significance affected by the proposed development.</p>
BOUNDARY TREATMENT	<p>Front boundaries of these properties (where they remain in situ) are low partially knapped flint walls with brick capping and some vertical quoins.</p>
SITE CHARACTERISTICS	<p>The site is occupied by a 2 storey property in residential use. See below for description of the dwellings.</p> <p>This particular dwelling is 1 of 3 which still has its whole low front wall in situ and which does not have frontage parking and a drop kerb.</p>
CHARACTER OF LOCALITY	<p>The general character of immediate area is residential on</p>

this side of the highway, although no.53 adjoining and to the west is in use as a dental surgery. The 8 dwellings (nos.43 to 59) are 4 pairs of semi detached dwellings. They are constructed of flint, some of which are knapped, with brick quoins and detailing. All have front bays and two-storey front gables.

On street parking is restricted by a single yellow line and in this case not at all 08:00 to 18:00. East Street is a Class C road. Of the 8 dwellings, 5 have access from the highway and hardstandings for vehicles. Some have the front boundary wall wholly removed and some have very limited elements remaining to the side of the access.

RELEVANT SITE HISTORY

LU/107/94	New guard rail to existing balcony deck & new french doors onto balcony	PP Not Required 18-05-1994
LU/183/70	Conversion of private dwelling house into three flats	ApproveConditionally 08-09-1970

None.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments have been received from Littlehampton Town Council.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

The Conservation Area Advisory Committee (CAAC) has objected to the removal of the front wall on the grounds that it considers it important to retain the existing and historic wall which contributes to the street scene in the Conservation Area.

WSCC Highways raises no objection and advises that there are no anticipated highway safety concerns. It recommends the following condition:

No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the site onto East Street in accordance with plans

and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

COMMENTS ON CONSULTATION RESPONSES:

The CAAC comments are noted. However, the removal of part of this wall does not require planning permission and as such cannot not controlled and is therefore not a material planning consideration for this application.

WSCC Highway comments seek to ensure pedestrian safety. However, the proposed access is 4.9m wide and the low front wall is below 1m in height and visibility on egress from the site as proposed can only be described as very good. A further reduction in the remaining wall on each side of the access is not recommended as the limited contribution to the street scene that would remain is likely to be lost. In addition, existing wall height at less than 1m is such that visibility would remain very good. It should also be noted that this requirement does not appear to have been required for other accesses.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area
Conservation Area
Class C Road
Buildings of Special Character.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan(2003):	GEN2	Built-up Area Boundary
	GEN22	Buildings or Structures of Character
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):	SD SP2	Built-Up Area Boundary
	D SP1	Design
	D DM1	Aspects of Form and Design Quality
	D DM4	Extensions and Alterations to Existing Buildings (residential and non-residential)
	HER DM2	Locally Listed Buildings or Structures of Character
	HER DM3	Conservation Areas

Littlehampton Neighbourhood Plan 2014 Policy 17 Buildings and Structures of Character

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

The Littlehampton Neighbourhood Development Plan was made at Full Council meeting on 5th November 2014. This means that the Littlehampton Neighbourhood Development Plan has been brought into legal force and forms part of the statutory plan for the town. Consequently, decisions on whether or not to grant planning permission in this area will need to be made in accordance with the Littlehampton Neighbourhood Development Plan, unless material considerations indicate otherwise.

Relevant policies are:

Policy 17: Buildings and Structures of Character

The Neighbourhood Plan identifies the properties in Appendix 4 of the Plan as locally important heritage assets. The effect of a planning application proposal on the significance of these non-designated heritage assets will be taken into account in determining the application in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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 FRONT WALL & THE NEED FOR PLANNING PERMISSION

As advised in this report, the removal of this wall does not require planning permission, as the works are not substantial. There is therefore no control available over the removal of all or part of the front wall. In this case the majority but not all of the front wall is proposed to be demolished. Impact on the Conservation Area and on the appearance of buildings of special character is not therefore a matter for consideration.

HIGHWAY CONSIDERATIONS & IMPACT ON THE FRONT WALL

Planning permission is required for the new access and consequently the new vehicle hardstanding as the access is from a classified road. Whilst raising no objections, WSCC Highway comments seek to ensure pedestrian safety and suggest 2m x 2m visibility splays. Apart from this encroaching onto property not owned by the applicant and therefore not being reasonably deliverable, the proposed access is 4.9m wide and the low front wall is below 1m in height. Visibility on egress from the site as proposed can only be described as very good.

A further reduction in the remaining wall on each side of the access, deliverable within the application site boundary but not outside, is not recommended as what limited visual contribution to the street scene, building setting and Conservation Area from the remaining walling remains is likely to be lost or substantially reduced. It should also be noted that this requirement does not appear to have been required for other accesses along the street.

DESIGN

Detail such as materials and therefore the impact of the parking area, crossover and drop kerbs on the Conservation Area and Building of Special Character can be controlled by condition so as to avoid undue adverse impact.

CONCLUSIONS

There is no control over the removal of the front wall and the new access arrangements are satisfactory in visibility terms. Detriment to the Conservation Area or Building of Special Character is not a material planning consideration in this instance.

It is therefore recommended that the application be 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 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

In assessing this proposal the following impacts (negative, Neutral or positive) 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 drawings:

SG/03/East 55 - Block Plan - Dated 02 March 2015

SG/03/East 55 - Visibility Splays - Dated 19 March 2015

SG/01/East 55 - Existing & Proposed Front Access Plans - Dated 23 February 2015

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

- 3 No development shall be carried out unless and until details of the type and colour of the paviers to be used at the front and rear (and sides if utilised at the sides) of the vehicular

crossover and dropped kerbs have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the carrying out of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the Conservation Area by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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.

LU/74/15/HH Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



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