Development Control – Delegated Officer Report

Application Number: NOTICE/0008/17 **Recommendation – PRIOR APPROVAL REQUIRED**

Site: **Land north east of 63 John Street, Shoreham-by-Sea**

Proposal: **Application for Prior Approval under Part 18, Class A of Schedule 2 of the General Permitted Development Order for part demolition of wall and installation of access gates.**

Neighbours checked: Site notices erected 05.05.2017

Additional neighbour notifications: N

Date of Site Visit: 05.05.2017

Site and Surroundings

The site is located to north east side of John Street on a double bend in the road, the second bend being the start of Southdown Road which goes underneath the railway line which runs east to west. The application relates to a mainly flint wall with some rubble infill, which encloses scrubland which abuts the embankment of the aforementioned railway line. The wall also abuts the public pavement area. The wall is approx. 1.8m high and the flints are knapped and broken, but put in courses. There is a lot of mortar with small chippings mixed in. Also, there are several large vertical cracks within the wall, indeed there are several repaired full height vertical cracks within the wall and there are other clear repair patches (which appear concrete mortar). As the wall stands at the bottom of the embankment serving the railway line, on an embankment, it is likely that the wall suffers from water damage from the run off and water logging of the land directly behind it. Sharp slithers of flint have been embedded into the top of the wall, presumably as a deterrent to persons wishing to climb over.

Directly to the west of this area is a terrace of two storey Victorian residential dwellings, which back onto St. Peter's Catholic Church to the west. The area is within the Shoreham-by-Sea Conservation Area, and the Mediaeval Core of Shoreham.

Description of Development

Network Rail intends to break through the flint wall in order to install a set of double gates. The double gates will be 3.5m wide and together with the posts against which the gates will hang, the total width will measure some 3.8m. The height of the gates will be 1.2m.

The posts, hinges and gates will be set back from the front elevation of the wall and will open into the site.

The material of the gates will be T & G boarding.

Relevant Planning History: None

Relevant Planning Policies:

Saved Adur Local Plan Policies: AH7
Submission Adur Local Plan 2016: Policy 15
The National Planning Policy Framework and Practice Guidance

Representations:

ADCAG : It is assumed that the finish/colour of the gates will be of a sympathetic colour?

Consultation Responses :

WSCC Highways:

> *"I refer to your consultation in respect of the above planning application and would provide the following comments.*
>
> *West Sussex County Council was consulted previously on Highway Matters for this application and provided a response dated 03/05/2017. Subsequently revised plans have been submitted and the application description has been amended. The comments below have been provided after a review of the latest plans and details.*
>
> *This application seeks permitted development for the installation of gates to access Network Rail land north east of 63 John Street, Shoreham By Sea. The supporting information details that the gate is required to get machinery into the plot of land in order to alleviate existing flooding issues.*
>
> *The supporting information does not detail if any vehicles will be required to access the plot of land or utilize this gate, I would ask the LPA to clarify this but given the topography of the land this does seem unlikely.*
>
> *Regardless the gate must open inwards of the site and not onto the public highway. This is not clear within the plans and details provided, given the topography of the land this should also be clarified with the applicant.*
>
> *Providing no vehicles are required to enter and the gate opens away from the public highway no highway safety or capacity issues would be raised to the proposal. However if vehicles are required to enter the plot additional highways considerations, conditions and informative notes may be required."*

Conservation Advisory Group: Approve

Planning Assessment

The General Permitted Development Order states;

PART 18
Miscellaneous development

Class A – development under local or private Acts or Order

Permitted development
A. Development authorised by—

(a) a local or private Act of Parliament,
(b) an order approved by both Houses of Parliament, or
(c) an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours)140, which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions
A.1 *Development is not permitted by Class A if it consists of or includes—*
(a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or
(b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic, unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.
A.2 *The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—*

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A.3 *For the purposes of Class A, "appropriate authority" means—*
(a) in Greater London or a metropolitan county, the local planning authority;
(b) in a National Park, outside a metropolitan county, the county planning authority; and
(c) in any other case, the district planning authority

The applicants advise the relevant railway was built under an Act of Parliament and so Part 18 is relevant in this case.

Consideration of the planning merits of NOTICE/0008/16 is restricted to those matters set out in A2 namely:

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

In the supporting statement the applicant has stated that: *" the road and public footway located underneath the railway bridge at Southdown Road has experienced issues with flooding. Network Rail understands that some of the flooding issues arise from its adjacent railway embankment.*

Following correspondence and a site meeting with WSCC, Network Rail has decided to carry out works to improve the affected area of its embankment and help to rectify the flooding issues.

In order to carry out these works Network Rail needs to get machines into the affected area. There is currently no access route for these machines and therefore Network Rail is proposing to install a new gate within the flint wall to enable access into the area."

Response

It is considered that the works proposed are reasonably required for the situation, and need to be located at this point.

Conclusions

Prior Approval is required, and is recommended for granting subject to the following conditions.

1. Plans
2. Time limit
3. Following formation of the new opening, the exposed edges of the flint wall shall be made good and any damage to the wall repaired using the discarded flints and carried out to match as closely as possible the flint coursing, mortar colour and texture of the existing wall.
4. The outer face of the gates shall consist of 'tongue and groove' timber, painted a mid or dark grey colour.

Case Officer Sign: Eve Hearsey Date: 23.08.2017

Authorizing Officer Sign: Jo Morin Date: 23.08.2017