

Recommendation Report for Planning Permission

REF NO: LU/106/15/PL

LOCATION: Willowbank Cottages
The Poplars
Littlehampton

PROPOSAL: Variation of condition 3 imposed under planning reference LU/203/13/ to enable the reorientation of plots 5 & 6.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application relates to a site for which planning permission has already been granted under LU/203/13 for the amount of development proposed on the application site.

The current proposal seeks approval of a minor variation to the approved development. The development still proposes 6 residential dwellings, associated access parking and garaging. The variation sought is to the list of approved drawings under condition 3, so as to enable the development to be carried out in the manner described below. The application is not for the principle of development, this has been established by the previous planning permission granted by this Council.

The scope and content of the development remains the same as that previously approved, with a change to the siting of the pair of semi-detached houses on Plots 5 and 6. On the approved site layout (drawing 023 001 100C), these 2 dwellings are shown with their front elevations orientated towards the south. The applicant advises that it has since become clear that the location of sewer and water supply pipes passing through the site, and the easement relating to these, is not as previously assumed. As a result, it is necessary for the siting of the houses at Plots 5 and 6 to be revised to reflect the actual alignment of the pipes, so as not to interfere with these. It is now proposed that the alignment of this pair of dwellings be rotated through approximately 80 degrees in an anticlockwise direction. This means that the layout of the development will

be completely linear.

The proposed alteration to the previously approved layout also involves minor layout changes, namely repositioning the garages for Plots 5 and 6 (so as to be on either side of the semi-detached pair rather than both on the same side), and a revision to the garage for Plot 4 (setting it some 1.2m back along the side of that dwelling).

In addition, a pair of detached garages serving plots 1 and 2 which were located to the south of plot 1 and attached to it have been relocated so that they are now no longer partly in front of the existing pumping station. These are proposed to be located on the east boundary of the site and to the rear of nos. 14 and 15 The Poplars and to the immediate north of another pair of existing garages.

SITE AREA

The site area is approximately 0.2 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

The site is located in an area of medium to high density housing.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedgerow and trees to north and west boundaries. Eastern boundary kept by close board timber fencing, approx. 2m in height to rear gardens of properties to the east. Pumping station enclosed by close boarded timber fencing, approx. 2m in height. Low level post and rail timber fencing forms part of boundary with the highway to the south. Play area enclosed by metal fencing, approx. 1m in height.

SITE CHARACTERISTICS

The site is mainly laid to grass which forms part of the public open space associated with the existing development on the site. To the north-west part of the open space area is a fenced play area and centrally is a fenced off pumping station.

CHARACTER OF LOCALITY

Sited within a recently completed residential estate. Mix of terrace and semi-detached

dwelling. A259 to the north of the site. Service station to the west and further residential site currently under construction to the east.

RELEVANT SITE HISTORY

LU/306/11/	7 no. residential units with associated garages, parking & access	Refused 01-02-2012
LU/182/12/	Outline application for 7 residential units with associated garages, parking and access	Refused 11-09-2012 <i>Appealed</i> Appeal: Dismissed 18 02 2013
LU/203/13/	Application for Outline Planning Permission with Some Matters Reserved for 6 No residential units with associated garages, parking and access (resubmission following LU/182/12/).	Approved Cond + S106 04-11-2013
LU/125/14/PL	Application for a Variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2No. garages forming part of the approved development, together with minor consequential amendments.	Approved Cond + S106 26-06-2014
LU/117/14/RES	Application for approval of reserved matters following a grant of outling planning permission LU/203/13/ for landscaping.	ApproveConditionally 27-06-2014
LU/259/14/DOC	Application for approval of details reserved by conditions 4 (materials), 5 (surface water drainage), 9 (play area improvement) and 10 (acoustic barrier) following a grant of planning permission LU/203/13/.	DOC Approved 01-09-2014

See description of application.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council raises no objection to the application.

7 representations have been received and these raise objections on the following grounds:

1. Permission for this development should never have been granted the new proposed layout will further compromise the privacy of current residents plot 5 and 6 will directly over look the current plot.
2. Access to the site has all ready compromised residents safety with HGVS utilising pavements to manoeuvre and reversing without banks men.
3. Now is the time to say no and maintain a small amount of the green space which was specified as protected and refused permission to build upon in numerous previous planning applications.
4. The development is too close to existing dwellings surrounding the site.
5. There will be 2 garages backing onto the rear of the garden of an existing dwelling. These will block light and reduce the amount of sun that reaches the garden.
6. Parking on the development is already oversubscribed and this will result in even more problems. The area is unsafe due to these issues as there is poor visibility due to parked cars.
7. There is a 12" water main that runs through the site and also a pumped sewerage main. Damage to this could result in serious flooding and damage to surrounding properties.
8. The original application was turned down due in part to houses overlooking the rear of existing properties.
9. The applicant now wishes to revert back to an already turned down scheme whereby 2 properties will have direct undisturbed sight into the rear of an adjoining property and this will result in privacy loss/overlooking.
10. Development will result in light loss.
11. The development will result in traffic noise and general disturbance both during and after development.

Comments on Representations received:

The previously refused scheme to which the objectors refer was for a significantly different layout and included 7 dwellings in the northern part of the site with rear elevations facing dwellings to the north. Following a dismissed appeal the proposal was amended to overcome the Inspector's objection and a revised scheme for 6 dwellings was granted planning permission under LU/303/13/.

The present scheme proposes no dwellings of this type. The current application proposes 6 dwellings with rear elevations facing the A259 and front elevations facing towards the rear of existing dwellings, with intervening access road and some landscaping on the boundary. There is also a pair of garages proposed to the rear of and adjoining 2 of the existing dwellings.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning
Southern Water Planning

Environment Agency
Parks and Landscapes
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

The Council's Environmental Health officer has commented that due to the acoustic barrier referred to, there are no concerns that the re-orientation of Plots 5 and 6 will be unreasonably impacted upon by road noise from the A259.

The Council's Drainage & Coastal Engineer raises no objections.

The Environment Agency makes no comment.

Southern Water comments that plots are too close to the pumping station and that no habitable rooms should be located closer than 15m to the boundary with the pumping station in order to avoid vibration, noise and odour generated by sewage pumping.

No comments have been received from this Council's Parks & Landscapes Department.

WSSC Highways raises no objection.

Comments on Consultation responses:

In respect of the comments of Southern Water, the proposed dwellings (plots 1 to 4) are located in the same position as previously approved and to which southern Water raised no objection.

Given that planning permission has therefore been previously granted for these dwellings with no objection Southern Water has been contacted, but wishes to maintain its objection.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2 GEN7 GEN9 GEN20 GEN32	Built-up Area Boundary The Form of New Development Foul and Surface Water Drainage Provision of Public Open Space within New Development Noise Pollution
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary D DM1 Aspects of Form and Design Quality D SP1 Design OSR DM1 Open Space, Sport and Recreation QE DM1 Noise Pollution
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
Littlehampton Neighbourhood Plan 2014 Policy		Design of New Development

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 Littlehampton Neighbourhood Plan 2014 Policy 6 Residential development involving the loss of community facilities

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.

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).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The proposal is generally in accord with policies in the Littlehampton Neighbourhood Plan.

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

BACKGROUND

The principle of development of this site has been previously established as being acceptable. A previously refused schemes under LU/182/12 was the subject of an appeal which was dismissed. However, the Inspector appointed to consider the appealed scheme did not uphold the Councils refusal reason relating to development on public open space and only upheld the reason for refusal based on the impact upon neighbouring amenity in dismissing the appeal. The inspector did not consider that loss of open space was unacceptable given the quality and quantity of existing provision that is available within the locality together with the area retained on the application site.

LU/203/13/ was then submitted and was considered to satisfactorily address amenity issues. Planning permission was therefore granted.

KEY ISSUE

Since the principle of development of this site has been previously established and planning permission granted, the key issue in this application is the impact of the proposed revision on the amenity of surrounding occupiers.

The layout as now proposed results in separation distances for the 2 plots to be relocated being at the closest 15m from proposed side to rear of existing dwellings. This separation distance rises to up to 20m side to rear. The front of the relocated dwellings would be between 19m and 20m from the rear of existing dwellings. These relationships are considered to be acceptable and to provide for satisfactory separation. In addition, the relocated dwellings would have no side windows. The proposed dwellings would not be unduly close to existing ones and unlikely to result in amenity loss/harm such that planning permission ought to be reasonably withheld.

The relocated pair of garages will result in impact on the dwellings which they would adjoin. However, they are grouped with existing garages and are no closer to those existing garages. Additionally, they will have eaves (2.15m) adjoining those dwellings and ridge lines (4.1m) at a greater distance away from the boundary (3.0m).

GENERAL

In terms of open space provision, the area of the land to be retained as open space is slightly greater and there can therefore be no objection given this. Parking provision remains satisfactory. The Planning Obligation remains in place and a Deed of Variation has been completed.

SOUTHERN WATER OBJECTION

Southern Water (SW) is a Statutory Consultee and as such its comments must carry considerable weight as a material consideration. Notwithstanding previous applications and planning permission to which SW did not object, SW wishes to maintain its objection.

This application must therefore be refused for the reason given by SW.

CONCLUSIONS

The revised proposals are consistent with policies relating to development within the built up area in most respects and make satisfactory provision for previously agreed contributions. The proposals do not result in an appreciable loss of amenity when considered against the scheme previously permitted. However, the SW objection means that the development proposed is not acceptable and cannot be recommended for planning permission.

It is therefore recommended that planning permission be refused for the reason set out below.

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 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).

SECTION 106 DETAILS

A planning obligation dated 9th May 2014 was previously executed in connection with LU/125/14/PL. A Deed of Variation has been completed in order that previous obligations will also relate to the current application.

The obligation secures 2 matters:

1. The payment of an affordable housing contribution
2. To retain land (the "Pink" land) as open space for the benefit of the occupants of the residential properties at The Poplars. A revised S106 Agreement has been prepared and satisfactorily completed, the affordable housing contribution remains the same and the overall area of the land to be retained as open space is slightly greater than specified in the original undertaking.

RECOMMENDATION

REFUSE

- 1 By proposing to site plots 1, 2 & 3 within 15 metres of an existing Southern Water pumping station the plots would be unacceptably affected by vibration, noise and potential odour generated by the pumping station in conflict with policies GEN7, GEN32 and GEN34 of the Adopted Arun District Local Plan 2003 and policy QE SP1, QE DM1 and QE DM3 of the Emerging Arun Local Plan 2011-2013.
- 2 **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 identifying matters of concern with the proposal, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.