REPORT UPDATE

Application No: LU/122/12/

Reason for the Update / Changes

One additional letter of objection raising no new points.

Officer 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/122/12/

Recommendation Report for Outline Consent

REF NO: **LU/122/12/**

LOCATION: C M Wood Body Repair Centre
Linden Park
Littlehampton

PROPOSAL: Outline application with some matters reserved for demolition of existing workshop & associated buildings. Erection of 2 no. 2 & 3 storey blocks consisting of 9 no. apartments, including 2 no. 1 bed studio flats, 1 no. 1 bed flat, 5 no. 2 bed flats & 1 no. 3 bed maisonette

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is in outline form and relates to redevelopment of the existing body repair centre to create 9 apartments in 2 blocks (one 2 storey and one 3 storey), including 2no. 1 bed studio flats, 1no. 1 bed, 5no. 2 bed and 1no. 3 bed flats. The application includes access, layout and scale. Appearance and landscaping are the remaining reserved matters.
SITE AREA	0.06 hectares
RESIDENTIAL DEVELOPMENT DEN	150 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.

BOUNDARY TREATMENT	Site frontage 1.8m high flint wall. Palisade fencing to rear to 3m high. Flint wall around end elevation.
SITE CHARACTERISTICS	Site is currently vacant. Former use as body repair centre within single storey sloping roof unit. Parking and hard standing is located in front of the buildings. Most of the site is covered in buildings.
CHARACTER OF LOCALITY	Mix of commercial and residential. The site is located opposite traditional 2 storey residential terraces. Children's play area and park to north. To south and west commercial uses. Unit immediately to west is occupied by catering services (specialising in new and refurbished catering equipment). Unit to south is a builders yard.

RELEVANT SITE HISTORY

LU/130/07/	New reception office to replace existing cabin.	Approve Conditionaly 22-05-2007
LU/401/79	Proposed double garage for the preparation of cars for existing spraying business	Approve Conditionaly 29-08-1979
LU/498/79	Purpose built workshop for the preparation of cars for existing spraying business	Approve Conditionaly 01-11-1979
LU/531/82	Installation of free standing low bake spray booth	Approve Conditionaly 16-03-1983
LU/426/86	Addition to existing workshop	Approve Conditionaly 24-11-1986

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council
Objection
Overdevelopment of site; Lack of sufficient parking for the number of units proposed plus any visitors they might have; Loss of business space in an industrial area; height would be overbearing to both houses and industrial units.

14 Letters of Objection (including 12 standard)
No pavement on either side of road, appalling lack of car parking in and around area. Nearby drain blocks and floods. Old Victorian pipework could not cope with more units. Lack of parking for contractors cars and vans and space for large lorries to deliver building supplies or take away rubble. Proposed building is out of character in the appearance and height. Surrounding homes are all 2 storey and brick. Even one space per dwelling will put

more pressure on nearby roads. Site is on industrial land should be retained to provide work. Location is wrong for this type of development. No planning notice up or near site. Roads are already badly potholed.
Congestion would be a problem. Nearby park attracts children and dog walkers who would struggle to cross the road without hazard. Understand Council is keen to promote business and industrial growth. This would be contrary to this. Would create a problem for people accessing St John's Ambulance training venue in Linden Park.

Comments on Representations received:

Comments on Town Council Objection
It is not agreed that this proposal represents an overdevelopment of the site. Parking is adequate in this location close to the railway station. County Highways have no objection. There are no policies within the Arun District Local Plan relating to retention of business use and ther site is opposite residential properties. It is not considered height of building would cause material harm from any overbearing effects.
Comments on other Representations
Notice was posted on site in accordance with procedure. The amount of car parking accords with standards and the site is sustainably located. County Highways have no objection. There are no policy requirements to retain industrial use in this location.

Appearance of the building does not form part of this application. Only one unit is indicated as 2 storey height. The rest would be 3 storey which would be the same as the residential properties opposite. Parking of contractors vehicles etc would only be for a temporary period.

CONSULTATIONS

Environmental Health
WSCC Local Development Divis.
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Engineers
Awaited

County Highways
No objection. 8 parking spaces generated have been catered for within the confines of the site. Sufficient space is available for turning. Proposal is unlikely to generate a significant number of vehicle movements. Suggested conditions.

Environmental Health
First Consultation - The site has an industrial past with potential for contamination. Appropriate conditions are suggested.
There is potential for noise from both existing and future adjacent commercial/industrial uses to adversely impact upon the proposed residential development. The proposed design/layout does not mitigate against this impact.
Second Consultation - As potential future noise sources are unknown it is reasonable that all habitable rooms should be provided with good quality double glazing and alternative means of ventilation to enable windows to remain closed if desired. Altering layout so that position of habitable rooms are away from potential noise sources addresses previous concerns. A condition requiring an acoustic consultants report, prior to development should be imposed.

Comments on Consultation responses:

Comments noted

The internal layout of scheme was amended at the request of the Environmental Health Officer. These changes are acceptable in planning terms.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary

The Emerging Arun Local Plan has recently been approved by the Council and there is therefore a material consideration in the determination of this planning application. It remains subject to public consultation and the formal adoption process as a whole, and it is therefore of very limited weight in terms of the decision making process at this stage. Policies DM14,DM15,DM16,DM22 and SP23 are relevant.

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC1	Sustainable Development
	SEPCC2	Climate Change
	SEPCC4	Sustainable Design and Construction
	SEPH3	Affordable Housing
	SEPH4	Type and Size of New Housing
	SEPH5	Housing Design and Density
	SEPSCT6	Affordable Housing
	SEPT4	Parking
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN31	Contaminated Land

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

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.

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

Principle
The site lies within the built up area boundary where redevelopment is acceptable in principle. Effective and efficient use of land for sites such as this is acceptable provided new housing is well integrated with and compliments neighbouring buildings in terms of scale, density, layout and access.

Residential Amenity
The position of the blocks along the site boundaries to the south and west has maximised the distance to the residential properties on the opposite side of Linden Park thereby ensuring no adverse overlooking effects would result. A distance of 8m is provided to the boundary with 67 Linden Park. The adjacent commercial units are located close to the boundaries and have no openings or amenity areas that would be adversely affected by overbearing effects.

Character of the Area
The character of the area is a mix of residential and commercial. The use of the site for residential purposes would therefore be acceptable in this location. The appearance of the building is not included in the proposal, but the illustrative plans indicate a contemporary design, whilst this would not be in keeping with the more traditional style properties to the east of the site it would not detract from the appearance of the locality. The industrial premises it is replacing are of no architectural merit and replacement with residential units would be an enhancement of the current street scene.

Parking and Access
The sites current industrial use means that it is already accessible via public highways and an existing vehicle access onto the site. The proposed access, parking layout and parking provision are acceptable to County Highways. There are no segregated pedestrian facilities heading south from the site, although the provision of a new segregated footway is unlikely to be justifiable for a development of this scale. Shared space is considered a suitable arrangement in this locality.

Noise Considerations
The Environmental Health Officer objected to the originally submitted scheme. In accordance with his advice the internal layout of the development has been amended so that habitable rooms (bed/living rooms) are positioned away from the (potential) noise source and non-habitable rooms (kitchens, bathrooms, stairwells) are on the potentially noise affected side of the building which provides a greater protection to proposed residential occupiers. Provided a condition is imposed requiring submission of an acoustic consultants report he now has no objection.

Affordable Housing
The proposal generates the need for affordable housing contribution and an Agreement is being drawn up in respect of £12,186.

Conclusion
The application is recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the 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

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 SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

(a) Appearance;
(b) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and

to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3 The development hereby approved shall be carried out in accordance with the following approved substitute plan 11048/02r4.
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.

4 Construction work shall not begin until a scheme for protecting the proposed noise-sensitive development of 9 flats from noise from the adjoining industrial units has been submitted to and approved by the Local Planning Authority; all such works which form part of the scheme shall be completed before any part of the development is occupied.

Reason: To safeguard the amenity of residents in accordance with Arun District Local Plan polices GEN7 and GEN32.

5 The units shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

6 The units hereby permitted shall not be occupied until secure cycle parking has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current susrtainable transport policies in accordance with policy GEN7 of the Arun District Local Plan.

7 The units hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1.A preliminary risk assessment which has identified:
all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
2.A site investigation scheme, based on (1) to provide information for a detailed

assessment of the risk to all receptors that may be affected, including those off site.
3.The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4.A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policies GEN7.

9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amedment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policies GEN7.

10 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard in accordance with Arun District Local Plan policies GEN7.

11 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

12 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: GEN2, GEN7, GEN12

SOUTH EAST PLAN: CC1, CC2, CC4, H3, H4, H5, SCT6 and T4

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.

13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing.

14 INFORMATIVE: The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.