

Recommendation Report for Planning Permission

REF NO: LU/152/14/PL

LOCATION: Plots 25-28
Land Parcel 1A
Land at Courtwick Lane South of Railway Line Littlehampton

PROPOSAL: Temporary sales area with advertisements for marketing of housing development (at plots 25-28 of LU/248/13).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for a temporary sales area on the Courtwick residential development site. This essentially involves the use of one of the approved dwellings as a sales office. Plots 26 on the A259 frontage is proposed to be used for this purpose.

The proposals involve the re-cladding of this unit with a 'Barratt' frontage over the whole of the front of the unit and it is proposed to re-instate the approved frontage to the dwelling when the sale office is no longer in use. The units either side of the sales office as to be used as show homes.

The application is retrospective.

The advertisements contained within the description are included within application LU/153/14/A.

SITE AREA

n/a

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The front of the property is open to the landscape area that adjoins the A259.

SITE CHARACTERISTICS

New residential development.

CHARACTER OF LOCALITY

New residential development.

RELEVANT SITE HISTORY

LU/355/10/	Outline application with some matters reserved for mixed use development comprising: up to 600 residential dwellings (including up to 30% affordable housing), up to 4,000 sqm of B1a and B1b employment floorspace, up to 235 sqm of A1/A2/A3 local facilities, structural planting and landscaping, multi functional green infrastructure including sports pitches (and associated changing facilities), informal open space, children's play areas, allotments and surface water attenuation, on-site pedestrian/cycle/bus emergency only access from Courtwick Lane and ancillary works. This application is the subject of an Environmental Impact Assessment & a departure from the Development Plan.	App Cond with S106 23-03-2012
LU/244/13/	Application for approval of reserved matters following outline application LU/355/10 for the appearance, landscaping, layout and scale of 70 dwellings (including 20 affordable dwellings) within land parcel 1B. Departure from the Development Plan.	ApproveConditionally 14-11-2013
LU/248/13/	Application for approval of reserved matters following outline approval LU/355/10/ for Phase 1 (115 No units including 29 affordable houses) for layout, appearance, scale, access and landscaping of dwellings. This is a Departure from the Development Plan.	ApproveConditionally 14-11-2013

Planning permission exists for approx. 450 in full detailed form. There is reserved matters for a total of 600. The development has commenced and the proposed sales area will serve the development for a number of years to come.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection

Comments on Representations received:

n/a

CONSULTATIONS

Parks and Landscapes

WSCC Strategic Planning

Consultations responses received:

Landscape Officer - No comment.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7

The Form of New Development

Publication Version of the Local
Plan (October 2014):

PLANNING POLICY GUIDANCE

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.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 proposals do not result in any additional highways, amenity or character impacts and the proposed use of the building is acceptable while the properties under construction are sold.

It is not considered appropriate to grant a permanent planning permission as there needs to be certainty that the plot will return to a residential use in the future. Also, the sales area within the site may change as the scheme is developed. Therefore a 5 year permission is recommended.

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 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 neutral 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

- 1 The use of the building and external works hereby approved shall cease and be removed before the expiration of 5 years from the date of this permission. The building shall thereafter revert to a single dwelling and the external appearance shall be in accordance with the details approved under planning permission LU/355/10.

Reason: In order for the residential development of the site to be completed in accordance with the strategic housing policies in the Emerging Local Plan.

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

P802/BAR
PHL 288-11 Rev C
Marketing Plans Plot 26 Floor Plans
Marketing Plans Plot 26 Elevations

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 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.
- 4 **INFORMATIVE:** The applicant should be aware that this permission relates to the granting of planning permission only and does not grant consent for any advertisements. Application LU/153/14/A has sought permission for adverts in association with the sale of dwellings on the site.