

Recommendation Report for Planning Permission

REF NO: LU/162/17/PL

LOCATION: Land North & West of Toddington Farm Cottages
Toddington Lane
Wick Littlehampton

PROPOSAL: Demolition of existing building, erection of 10 residential dwellings (Use Class C3) with associated open space, landscaping, parking, and access. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal comprises 4 x 4 bedroom houses, 2 x 3 bedroom houses, 2 x 2 bedroom houses and a 2 x 2 bedroom flat. The semi detached 2 storey 4 bedroom properties are 2 and a half storeys high and the other units are 2 storeys high. The proposal includes 10 resident parking spaces and 2 visitor spaces with open car barns.

SITE AREA

3513 sq m

RESIDENTIAL DEVELOPMENT DENSITY (NET) 28 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development at this stage.

BOUNDARY TREATMENT

The eastern, northern and southern site boundaries comprise hedgerows.

SITE CHARACTERISTICS

A lot of the site comprises overgrown vegetation. There is a building and yard formerly used for agricultural maintenance and storage. The site includes a large area of bare ground and hardstanding in the centre of the site.

CHARACTER OF LOCALITY

Former area of horticultural nurseries with sporadic housing now being redeveloped for housing.

RELEVANT SITE HISTORY

LU/420/87	Outline application for residential development in the form of houses with garages	Refused 18-11-1987	<i>Appealed</i> Appeal: Dismissed
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31 10 1988

LU/318/89	Change of use of existing Agricultural Building to Workshop/Light Industrial Use	Refused 30-08-1989
LU/298/98/	Change of use of redundant agricultural building to B1 light industrial.	Refused 01-02-1999
LU/238/76	O/A for erection of 4 pairs of semi-detached houses & garages	Refused 14-10-1976

REPRESENTATIONS**Representations received:**

Littlehampton Town Council

Objection - The further development of this area is predicated on the provision of infrastructure promised as part of the North Littlehampton Development. The Town Council's concerns in terms of the delays to the delivery of the much-needed infrastructure in the area are well documented and any further development in this area should not be approved unless the infrastructure required to support it is in place before construction commences. Observing that the proposed access to the site was obscured by dense hedging, Members also asked that proposals to address this be included in any future planned development.

One Objection

This development is not suitable at this moment with no infrastructure in place and the new bypass not completed. There is a very large increase in traffic since new development in Toddington Lane has taken place and the development is in a dangerous place for traffic to access and exit. It would be nice to tidy up the site which is an eyesore. Privacy of neighbouring properties would be compromised and the number of houses is more than adequate for the site.

Comments on Representations received:

There are no justifiable reasons to refuse the application on the grounds of prematurity. The rest of the strategic allocation site is currently being developed and works to construct the bypass are starting.

The impact of hedging on visibility has been considered by County Highways as has the provision of infrastructure. It is considered there is insufficient infrastructure to support the development.

It is not considered that there would be a materially adverse impact on the residential amenities of adjoining properties.

CONSULTATIONS

Highways England
Surface Water Drainage Team
Southern Water Planning

Economic Regeneration
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Parks and Landscapes
Environmental Health
Ecology Advisor
West Sussex Fire Brigade
WSCC Strategic Planning
WSCC Strategic Planning
WSCC Strategic Planning
Parks and Landscapes
Network Rail

Consultations responses received:

County Highways - Objection .

Summary position of Highway Authority - The County Highway Authority (CHA) objects to the proposal given lack of key infrastructure (namely continuous pedestrian provision, lack of suitable access visibility, substandard parking, poor internal layout), which would lead to conditions prejudicial to highway safety and inconvenience for pedestrians and other road users alike. The lack of suitable infrastructure is therefore considered severe when assessed alongside the NPPF.

Access - Vehicular access is proposed off Toddington Lane in the same position as existing - albeit with changes such as widening, new surfacing and kerbing. This access would then run south of the new homes with a short spur leading to some parking (and doubling as a turning head) with a further spur running around to the western side of the site providing access to two dwellings and their associated parking. Pedestrian access is shown via the vehicular access, a ramp and a single stepped access point onto Toddington Lane.

Road Safety - The RSA raised several problems with the site. In their latest submission, the Designer has provided responses to the problems raised but does not accept all the recommendations made. The outstanding RSA points are as follows :

While a swept-path diagram is provided showing the manoeuvre of a service vehicle within the site, the problem raised in the RSA recommends that such vehicles will be able to manoeuvre to and from the development access safely. While further swept path diagrams (SPD) have been provided, it is clear that to provide adequate access and egress for service vehicles, the access should be widened to at least 4.8m wide to ensure that vehicles can pass one-another in the access. Also, the SPD and any revised plan should be presented to the Road Safety Audit Team for further review and comment.

A plan showing visibility splays has now been provided. However, it is not supported by traffic speed information - rather it makes an assumption about vehicle/traffic speeds. Although the splay in the leading traffic direction is acceptable at 43m, the splay in the trailing direction (looking north) is shown at 30m which is less than recommended in MfS for a 30mph road.

A ramp has now been provided leaving just a single set of steps. A footway is shown around the

boundary of the site adjacent to Toddington Lane. However, it is not shown connecting to the wider footway network to accord with the pedestrian desire-line (west of the site towards shops/services/bus route etc.). The site is required to provide a continuous link and cannot rely on other development proposals that might or might not build their infrastructure prior to the application site, the subject of this proposal. A continuous link is not shown which would mean that suitable pedestrian provision is not provided for the development. This lack of provision could lead to conditions prejudicial to the safety and free-flow of movement by pedestrians and other road users alike and taken on its own, warrants a highway objection on road safety and accessibility grounds.

Although a financial contribution is offered by the applicant (they state that the Highway Authority could construct a footway link), insufficient highway land appears to be available to construct one, therefore requiring third party land. Furthermore, as the footway is critical to the success of the development, it is for the applicant to provide it.

Development layout and further detailed assessment of access - The first section of access road is shown as a 'shared surface' intended for joint-use by vehicles and pedestrians. Although a footway is shown running to the north of the access, terminating where it meets the revised junction, it still introduces pedestrians into the path of vehicles emerging from the site where visibility does not appear to be provided. Although demarcation is now shown where the access road becomes shared surface, this appears to be a continuation of the footway. The access width should be increased to a minimum of 4.8m to provide opportunity for vehicles to pass one-another.

At the point the access joins Toddington Lane, the applicant has shown visibility splays of 43m in the leading traffic direction (looking south) and 30m in the trailing direction (looking north). Visibility should be provided in-accordance with guidance contained in Manual for Streets (MfS). Based on a 30mph speed limit on this section of Toddington Lane, this will necessitate re-locating plots 1-3 as they would obstruct the recommended 'y'/major road distance of 43m in the trailing traffic direction (looking north from the access road). The applicant shows a 30m splay in this direction stating that vehicles would be slowing at this point because of the bend in the road. No evidence is provided to support this and this lesser dimension is not accepted.

Pedestrian visibility splays are now shown either side of any pedestrian access points. A footway is shown running northwards from the access point. This currently scales at 1.5m wide - it should be 2m wide. Also, any path should be shown connecting to the existing footway currently terminating where Phase 1 of the Hollyacres site has been built. In any event, the applicant will need to provide a suitable footway connection westwards from their site connecting to the one already built.

With regard to the configuration of the houses within the scheme, seven of these are still shown fronting Toddington Lane. Given that the parking for these properties is shown behind them and that on occasion, some residents tend not to favour this arrangement, parking on the highway may result, as has occurred outside the neighbouring Hollyacres development. Therefore, it is still recommended the layout be re-configured to show the majority (if not all) of the houses facing inwards with parking to the front of them, particularly given that the site is on a bend in Toddington Lane where on-street parking should be discouraged as far as is practicable for road safety reasons.

Parking - The location of some of the parking spaces could lead to indiscriminate parking on the

public highway on a bend in the alignment of Toddington Lane and possibly close to the railway crossing.

Street lighting - Additional street lighting columns will need to be provided on the highway alongside the development and possibly south of the access point.

Traffic Regulation Order (waiting restrictions etc.) contribution- Alongside any re-design of the internal layout and if all other outstanding highway matters are resolved to the LHA's satisfaction, in an attempt to manage any possible on-street parking from taking place if it is caused by the development after occupation, a suitable sum of money (currently circa. £8000) towards a possible Traffic Regulation Order (TRO) for waiting restrictions should be secured from the development and retained for a set period of time. This should be secured by S106 Agreement.

Network Rail - Given the proximity of the railwayline and railway crossing and in light of changes to the surrounding road infrastructure including lighting and signage (see above), the CHA recommends that the LPA consult Network Rail for comments about the proposal.

The LHA considers the impact of this on the local highway network would result in a severe impact on highway safety, contrary to paragraph's 32 and 35 of the NPPF and paragraph 1.2.1 of the WSCC Local Transport Plan 2011-26. 3 highway reasons for refusal are requested .

County Strategic Planning - £79,203 education contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the education impacts of the proposal that would arise in relation to the proposed development. The contributions generated by this proposal shall be spent on additional equipment at Lyminster Primary School, The Littlehampton Academy and The Littlehampton Academy Sixth Form.

Greenspace Officer - No Objection

Public Open Space - The Council's SPG guidelines apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". This requires that 2.4 hectares of open space (or six acres) are provided for every 1,000 people ie 24 square metres of open space per person. Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. It is good to see that consideration has been given to this requirement and that open space both in landscape buffer and open space has been provided within the proposals. With these proposals indicating 10no dwellings the provision of LAP (non-equipped) should be provided within the POS areas.

Landscaping - This should be of High Quality Design. The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness.
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development.
- To enhance the landscape quality of the site when viewed from the surrounding area.
- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity.
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

The provision of landscaping for the development must be conditioned with any permission.

Arboriculture - A tree survey relating to existing trees should be undertaken. Tree protection fencing requirements identified and tree protection plans submitted which would need to be conditioned with any permission. Any significant existing trees clearly evident along the boundary and the dividing copse, must be protected during the works if they are identified to provide good visual amenity in addition to their biodiversity importance. Any trees that have the potential for a long life expectancy, with potential to become a prominent feature within the landscape and are worthy of protection, with adequate fencing according to the BS 5837 (2012) Provision for fencing according to each of the trees' correct and calculated root protection area must be erected prior to the commencement of any development activities.

Ecology Officer - No Objection. The reptile survey has shown that there is a low population of reptiles onsite. Due to this mitigation has been proposed within the Reptile Presence/Absence Survey report April 2017 and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile translocation has taken place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season. Due to the potential for hedgehogs onsite within the sheltered areas of shrub planting and around the boundary a precautionary approach should be undertaken to site clearance.

Southern Water - No Objection. Conditions and Informatives requested

Highways England - No Objection

County Engineers - No Objection. Conditions suggested

Drainage Engineer - No Objection. Please apply standard conditions ENGD2B, ENGD3A, ENGD5A, & ENGD5B.

Economic Development Officer - No objection to this application but would ask that the developer signs the Arun Partner & Developer Charter and holds an event to engage with local trades and suppliers. We are willing to facilitate such an event as we do with other developers.

Comments on Consultation responses:

Comments noted. In accordance with County Highways comments the application is recommended for refusal. The applicants have failed to provide a section 106 so as to secure contributions sought by WSCC.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up area Boundary
Arundel and Littlehampton Strategic Gap
North of Littlehampton Strategic Housing Allocation

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>AREA10</u>	Strategic Gaps
Publication Version of the Local Plan (October 2014):		D SP1 Design
		SD SP1 Sustainable Development
		HOR DM1 Horticulture
		SD SP2 Built-Up Area Boundary
		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		W DM3 Sustainable Urban Drainage Systems
		H SP1 Strategic housing, parish and town council allocations
		T SP1 Transport and Development
		The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 1		A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 2		

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 Plan has been made and policies 1 and 2 are considered relevant to the determination of this application

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the character of the locality, the residential amenities of the occupiers, and an adverse impact upon highway safety.

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 is an overgrown area of land which is not currently being used for any purpose. Before this part of Toddington Lane was allocated as a strategic housing site it occupied a countryside location and was used for storage. On that basis in policy terms the principle of development would have been considered unacceptable. However adjoining land is currently being developed

for housing and this site has been included in the emerging Local Plan (2014) as part of the Strategic Housing Allocation. Whilst it does not accord with adopted local plan policies this plan is out of date in respect to the supply of housing. It does however comply with the emerging Local Plan and Neighbourhood Plan which is up to date and supersedes the 2003 Local Plan in terms of the supply of housing policies.

The made Littlehampton Neighbourhood Plan (2014) is the most up to date adopted plan for development control purposes and contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site other than a reference to the area as a strategic housing site in policy 2. The proposal would therefore accord with this policy.

Policy 2 refers to the site (Toddington North of the Railway Line) which states :

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area of Littlehampton and especially the Fitzalan Corridor connecting the strategic housing allocations at North Littlehampton (Toddington- north of the railway) and at Courtwick Park with the Littlehampton Academy, the Town Centre and the Community Hub and the Green. The proposal therefore accords with this policy. As a more recent part of the development plan, the proposals are in accordance with the development plan.

The policies that relate to the supply of housing in the 2003 Local Plan are not considered to be up to date as they do not relate to development needs beyond 2011 and the current built-up area boundaries were drawn to accommodate a specific quantum of development in the period 2001 - 2011.

The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 2.09 years. A report to the Local Plan Sub-Committee recommended to Full Council that planning applications should be invited on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This was due to the shortfall in housing land supply since the start of the plan period in 2011. The emerging Plan must ensure that an adequate supply of sites to provide for a rolling five year land supply over the course of the Plan period once the Plan is in place.

In relation to the sustainability the location has previously been considered sustainable given the neighbouring residential sites under construction and the proximity of essential services.

CONCLUSION ON PRINCIPLE

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

The site falls within the built area boundary as defined in the Publication Version of the Emerging Local Plan published in October 2014 and the built up area boundary of Littlehampton as defined by Policy 2 of the Littlehampton Neighbourhood Plan which is the most up to date development plan.

It is also recognised that there is an allocated housing site to the north and construction has begun on the North Littlehampton section of it. Development to the South of Toddington Lane is also under construction. The site would therefore have the appearance of being situated within the urban envelope.

Given compliance with the Littlehampton Town Neighbourhood Plan and the Publication version of the Local Plan and other more limited supporting material considerations it is considered that the proposed development would be acceptable in principle.

DESIGN AND VISUAL AMENITY

Planning Policies and Central Government Advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

Policy GEN7(ii) of the Arun District Local Plan requires new development to respond positively to the identified characteristics of the site in order to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

Policy D SP1 'Design' of the Local Plan Publication Version seeks good quality development that demonstrates a high quality of design based on a site analysis and context appraisal; adherence to objectives informing sustainable design; and the influence of these objectives have on the form of the development

The proposal comprises dwellings of similar design with a range of materials including brick work and cladding. Each house type pair has an alternating feature material with a red brick base alternating between timber boarding, brick and feature brickwork above. The development varies between 2 and 2 and a half storeys in height and would be set back from the Toddington Lane frontage to allow for provision of landscaping and an area for play. The proposal would accord with the general pattern of development in the locality. The final material finishes could be

conditioned so as to be in keeping with other houses approved in the area. Soft landscaping which would soften the appearance of hard landscaped areas and buildings could also be controlled by condition.

The density of dwellings at 28 dwellings per hectare is slightly higher than other recently approved sites in Toddington Lane. Directors Cottage LU/249/17/PL had a density of 36 dwellings per hectare (dph) approval LU/116/13/ for 63 dwellings had a density of 37dph and the development of 3 properties at Knightscroft opposite to the north (LU/131/16/PL) had a density of 30 dph. Whilst the density is not itself significantly higher there are problems with the site layout from a highway point of view and with regard to external space standards. As the application currently stands it is not considered that 10 dwellings, including 4 bed units, can be satisfactorily accommodated on the site in the manner proposed. Plots 4-6 could prejudice how development on the adjoining site will come forward. The layout proposed when considered against the dwelling type and amount of hard surfacing to facilitate car parking results in an over development of the site contrary to the established character and appearance of the locality. The layout of the houses has been arranged to mainly front Toddington Lane which will reflect the orientation of some dwellings in the locality, although it is noted that Toddington Farm Cottages to the north have a different orientation.

RESIDENTIAL AMENITY

Plots 4 and 5 are 10m from the boundary and the nearest residential property to the south at Toddington Farm Cottages is 4m from the boundary. Given this distance and the position of the dwellings to the north it is considered that the gap provided is sufficient to preclude any materially adverse overlooking or overbearing effects. Plot 7 has no primary habitable first floor windows proposed at first floor level in the side elevation of the dwelling and plots 4,5 and 6 are 8.5m from the boundary. Whilst there are first floor habitable windows facing over the site boundary it is considered that this distance is acceptable to prevent an adverse unneighbourly impact.

Any additional side facing windows proposed at first floor level on the side elevations of plot 7 could be controlled by condition requiring them to be obscurely glazed and fixed shut.

Given the above it is considered that the 10 dwellings would not result in unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and therefore are deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

SPACE STANDARDS

The layout includes dwellings with rear gardens which with the exception of the most southerly plot generally meet the 10m in length as required by policy DDM3 of the emerging local plan or are close to it. However, in terms of the area of the gardens the policy requires a 2 bed terrace, to have an area of 50sqm, a 3 bed terrace to have 65sqm and a small semi or detached (maximum 3 bedrooms) 85sqm and a large semi 100sqm. Only the mid terrace property and the flats meet these standards. The 4 bed house gardens range from 60 - 70 sqm which is significantly below the required standard. The 3 bed units have areas of 65 sqm which are also not close to the standards. Whilst some flexibility may be applied to these standards the shortfall is significant and is indicative of an overdevelopment of the site.

The internal floor areas exceeds those specified within the Nationally Described Space Standards. In this respect, the dwellings are considered to result in a good standard of amenity for future occupiers in accordance with Paragraph 17 of the NPPF.

HIGHWAYS

County Highways have objected to the proposal for the reasons set out in their comments. County officers have engaged with the applicant's agent and Transport Consultant in an attempt to try to resolve the outstanding issues and additional information has been submitted and 3 consultation responses have been issued. However, in the absence of appropriate infrastructure, the LHA considers the impact of the development on the local highway network would result in a severe impact on highway safety, contrary to paragraph's 32 and 35 of the NPPF and paragraph 1.2.1 of the WSCC Local Transport Plan 2011-26.

EDUCATION CONTRIBUTIONS

The County Council have requested education contributions. The agents have indicated they are not prepared to agree to payments in this respect. They argue that the contributions are tariff in nature. County have only asked for Education contributions for this site because they are not a tariff contribution. Ordinarily they would also have requested Library and Fire contributions but these are based on a tariff and it is agreed with their assertion that in this respect tariff contributions for a development of 10 units cannot be requested.

The Education contributions are not tariff in style because they are based on the actual number of pupils per school year that their development will produce. This figure is then multiplied by the cost of educating schoolchildren at primary/secondary and sixth form level. The agents have chosen not to discuss this requirement further with County. The method used produces a true figure for educating the children moving into the development in question and is therefore not a tariff contribution. This approach is routinely accepted by Inspectors in appeals as sound.

SUMMARY

The proposed development is considered to conflict with relevant development plan policy and as such is recommended for refusal for the following reasons.

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 private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The access is not suitable to serve the proposed development by reason of its inadequate width and limited visibility in conflict with policy GEN7 Arun District Local Plan and Policy1 of Littlehampton Neighbourhood Plan.
- 2 The proposal would not achieve safe and convenient access on-foot - thereby providing only limited opportunities for non-motorised access to public transport and local facilities (shops, jobs etc.). This would lead to reliance in use of private transport (e.g. cars) to travel to and from the site and where suitable infrastructure is not provided for pedestrians (e.g. a footway), result in conditions detrimental to road safety in conflict with policy GEN7 of Arun District Local Plan, Policy1 of Littlehampton Neighbourhood Plan and the National Planning Policy Framework.
- 3 The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner which would be likely to result in standing vehicles, either on the adjacent public highway or within the development which would interrupt the free flow of traffic and add to the hazards of both users of the highway and the development site in conflict with policies GEN7 and GEN12 of Arun District Local Plan and Policy1 of Littlehampton Neighbourhood Plan and paragraph's 32 and 35 of the NPPF.
- 4 The proposed development fails to make an adequate contribution towards education provision and is thereby contrary to the aims and objectives of policy GEN8 of the Arun District Local Plan.
- 5 Given the submitted layout of the site the Local Planning Authority is not satisfied that 10 dwellings and the associated private amenity space and car parking can be satisfactorily accommodated on the site without damaging the character of this area or compromising the residential amenity of future occupiers. The proposal would therefore result in an unduly cramped form of development which would be detrimental to the character and amenities of the area, contrary to policy GEN7 of the Arun District Local Plan and the NPPF.
- 6 **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 and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.