

Recommendation Report for Planning Permission

REF NO: LU/177/14/PL

LOCATION: The Old Dairy
Behind 3 & 5 Church Street
Littlehampton

PROPOSAL: Demolition of original dairy distribution depot and construction of 8 No. dwellings and ancilliary works. Resubmission following LU/298/13. This application may affect the character and appearance of the Littlehampton (East Street) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 2200 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	The site is 2.64m at the front and 4.91m a.o.d at the rear.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Brick and flint walling defines the principle boundary treatment along all site boundaries ranging between 2-3m in height.
SITE CHARACTERISTICS	A commercial site which was originally developed as a milk distribution depot. More recently, it has continued its commercial use mainly as a depot under the management of the Littlehampton Town Council with various charities using the offices also on the site. It is now unoccupied. There are a number of buildings particularly to the south comprising of mainly sizeable steel framed structures with metal roofs.
CHARACTER OF LOCALITY	Mixed residential and commercial in character. There is a medical centre and the Flintstones Community Centre to the west and a parade of shops opposite the site entrance in Church Street. There are 2 and 2 1/2 storey semi-detached properties in Goda Road to the east, terraced houses to the south and 2 storey semi-detached properties to the north in East Street.

RELEVANT SITE HISTORY

LU/24/95	Change of use of dairy depot to general community purposes with associated parking, including craft workshops, meeting rooms, stores and retention of existing retail, office and residential accommodation.	Approve Conditionally 20-11-1995
LU/253/01/	Change of use of 1st & 2nd floors from residential to office use	Approve Conditionally 15-10-2001
LU/298/13/	Demolition of original dairy distribution depot and construction of eleven dwellings and ancillary works. This application affects the character and appearance of the Littlehampton (East Street) Conservation Area.	Withdrawn 23-12-2013

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

6 letters of objection

- *Property styles inappropriate to the area and too high at two and a half storeys.
- *The use of blue engineering bricks seems wholly out of keeping with the neighbouring properties.
- *More cars at the development will greatly increase the risk to pedestrians crossing the road entrance to the site.
- *Extra traffic on a very narrow road is a danger.
- *If balconies are added, then it will lead to loss of privacy and more noise.
- *If the brick wall currently behind 7, 9 and 11 Church Street is removed, there will be overlooking on those properties.
- *Loss of light and overlooking on to properties in Goda Road.
- *Concern over additional sewage arising from the development using a Victorian sewer system.
- *Flood risk concern.
- *Property devaluation.
- *Passage/twitten at the rear of nos. 17, 19 and 21 Goda Road is reserved for these properties and objection is made to such access being shown on the plans for use by the development as it is not owned by the developer. When the Littlehampton Town Council took over the site, they broke through the wall from the site to put in a one-way door opening into the passage/twitten as a fire access without seeking approval of the owners at nos. 17, 19 and 21 Goda Road.

Comments on Representations received:

Comments noted. Property devaluation is not a material planning consideration. The matters relating to the passage/twitten to the rear of nos. 17, 19 and 21 Goda Road is a private matter and as such cannot be considered in this application.

CONSULTATIONS

Conservation Officer
Listed Building Officer
National Planning Casework
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Fluvial Flooding)
Planning and Housing Strategy
Parks and Landscapes
Environment Agency
Southern Water Planning
WSCC Strategic Planning

Consultations responses received:

Environment Agency
No objection.

Emergency Planner
No objection.

Housing Strategy and Enabling Manager

The Council's Affordable Housing policy requires 15% affordable housing for residential development consisting of between 1-14 units, for this application it equates to one affordable dwelling which is unlikely to attract any interest from a registered partner. A commuted sum, payable in lieu of on-site affordable housing, as per the schedule on the Council's website will therefore be acceptable in this instance.

Highways, West Sussex County Council
Comment.

No objection to the principle of re-using the existing access for the development. This is subject to appropriate condition requiring additional information. There is concern about the internal layout to the development and the 4m wide carriageway looks narrow. It is also unclear if Plots 3 and 5 have their own driveway access onto Church Street. The site access should be kept free and unobstructed and there should be an obligation in the S106 agreement to have funds available for a Traffic Regulation Order for a period of 3 years should problems arise as a result of this development.

Greenspaces department
Comment.

A hard and soft landscaping scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. Any tree removal from this site should be agreed by Arun District Council's Tree Officer. This should be in accordance with BS: 5837: 2012 'Trees in relation to construction'.

Southern Water
Comment.

A formal application is required for any new connection to the public foul and surface water sewer to be made by the applicant or developer.

Engineers
Comment.

The applicant previously stated that surface water will be allowed to infiltrate into the ground, using Sustainable Drainage Systems such as permeable paving. This should be prioritised over the proposal stating that surface water will be disposed of through the main sewer, which should be avoided. Conditions are recommended in relation to groundwater monitoring.

Conservation Area Advisory Committee
Objection.

Design unsuitable and out of character (suggest we look at Floyds Corner for ideas, plus more room for bins and cars).

Sussex Police
Comment.

The development shows outward-facing dwellings which have created good active frontages with the street and the public areas being overlooked. Gates to the rear gardens should be of the same height and construction as the adjoining fence and brought to the front of the building line as much as possible.

Comments on Consultation responses:

Comments noted.

RESPONSE TO WSCC HIGHWAYS

The additional information required can be secured by way of appropriate conditions. However, the concerns about the internal road layout are noted and are considered to be an unacceptable aspect of the scheme. There has been no signed S106 agreement with the application which includes suitable provision for a Traffic Regulation Order at the site and so this does not satisfy WSCC Highways requirements.

RESPONSE TO GREENSPACES

It is considered that the hard and soft landscaping details can be secured by way of an appropriate condition.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN11](#)
[GEN12](#)
[DEV17](#)

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Inland Flooding
Parking in New Development
Affordable Housing

H SP2 Affordable Housing
SD SP2 Built -Up Area Boundary
SD SP1 Sustainable Development
D DM1 Aspects of Form and Quality
QE SP1 Quality of the Environment
D DM2 Internal Space Standards
D DM3 External Space Standards
W DM2 Flood Risk

D SP1 Design

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.

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.

The Neighbourhood Development Plan for Littlehampton once adopted 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. 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 adoption. 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).

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 visual amenities of the locality and the residential amenities of the adjoining properties as well as 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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which is considered to be mainly policies GEN7, GEN12 and AREA2 which seeks to prevent development that would have an adverse impact upon visual and residential amenities, provides acceptable parking and highways arrangements at the site and either seeks to preserve or enhance the Conservation Area.

SITE HISTORY AND CONTEXT

This application forms a resubmission of previous application LU/298/13 for 11no. dwellings. This application proposes 8no. dwellings with associated vehicular access, parking spaces generally to the front of dwellings and retention and renovation, where appropriate, of all boundary walls. The proposal includes the demolition of all structures on the site including steel framed storage units, office buildings and storage sheds. Given the residential properties that surround the site and its currently unoccupied status, it is considered that a brownfield residential development is acceptable in principle in this town centre location.

DESIGN AND VISUAL AMENITY (GEN7, LOCAL PLAN)

This application seeks planning permission to erect 8No. dwellings which consists of 2no. 2 bed houses, 4no. 3 bed houses and 2no. 4 bed houses. The existing access road will be used where it joins on to Church Street with a new internal access road to be created through the site with a turning head. The site contains a number of commercial buildings with a sizeable footprint which will be demolished and so the principle of development has already been established on this site.

The proposed 8no. dwellings are not well spaced out across the site and so leads to a cramped and contrived layout. This is particularly the case with the small separation distance between the semi-detached pair (Plots 1-2) and the terraced row (Plots 3-6). Due to the number of dwellings being proposed in this size plot, this layout gives rise to an unacceptable overdevelopment of the site.

One effect of this cramped layout means that the vehicle spaces for Plots 1-4 run at an angle across the front gardens and appear to not be comfortably accommodated. It is therefore not accepted that this is an intended design feature of the development but rather the result of a lack of sufficient space for these dwellings, gardens and parking areas. This arrangement would therefore cause harm to the appearance of these properties and the development as a whole.

Six of the dwellings are proposed to be 2 1/2 storey in height (Plots 3-8). Whilst the actual heights of these dwellings will be very similar to those properties in Goda Road to the east, these are mainly two storey properties as well as the significantly smaller properties of nos. 11-21 Church Street to the south. It is therefore considered that the predominant development form of 2 1/2 storey properties will be out of character with its surroundings.

Due to the site being situated within a Conservation Area, additional emphasis is placed on good quality design but this is not the case and the proposal neither preserves or enhances its appearance and as such would be detrimental to the visual amenities of the site and its surrounding area.

It is therefore considered that the proposal is unacceptable in design and visual amenity terms and so conflicts with relevant policies GEN7(ii) and AREA2 of the Arun District Local Plan.

RESIDENTIAL AMENITY (GEN7, LOCAL PLAN)

The proposed scheme of residential development is considered to be more sympathetic to the surrounding residential properties than its former commercial use as a depot. In this respect, the scheme would form a significant improvement in terms of disturbance in and around the site.

However, the concentration of development is towards the south of the site where it will be situated in relatively close proximity to the town houses of Nos. 17, 19 and 21 Church Street. These neighbouring properties have comparatively small rear gardens and with a separation distance of approximately 5m between Plot 1 and No. 17 Church Street, it is considered that this would cause harmful overbearing and overshadowing on this property.

Within the site, the layout of Plot 3 in respect to Plot 2 would cause unacceptable overshadowing, overbearing and loss of light on the property of Plot 2. This is due to Plot 3 projecting to the rear of Plot 2 by approximately 4m at a distance of only 2m away. This building arrangement would therefore conflict with the 45 degree rule which this Council has adopted for the determining of Planning Applications to ensure that any development does not seriously affect a neighbour's outlook or daylight to the rear.

The proposal is therefore considered to be unacceptable in residential amenity terms and would conflict with policy GEN7(iv) of the Arun District Local Plan.

AFFORDABLE HOUSING CONTRIBUTION

The Council's Affordable Housing Policy requires a signed and dated legal agreement to provide

a commuted sum payment. However, one has not been submitted to include adequate provision for a Traffic Regulation Order for a period of 3 years which is at the request of West Sussex County Council Highways department. This means that there has been no acceptable commuted sum payment made with this application.

HOUSING LAND SUPPLY

The provision of an additional 8No. dwellings at the site would positively contribute to the Council's 5 year housing land supply. The ability to demonstrate an adequate housing land supply does not affect the weight to be afforded to any relevant policies within the development plan or remove the requirement for there to be a presumption in favour of sustainable development within the NPPF. However, it does mean that there is less pressure on the Council to permit unsuitable schemes if there is significant and demonstrable harm.

INTERNAL SPACE STANDARDS (POLICY D DM2, EMERGING LOCAL PLAN)

The 8No. dwellings are considered to meet the minimum room size requirements and so the scheme is considered to comply with policy D DM2 of the Emerging Local Plan.

EXTERNAL SPACE STANDARDS (POLICY D DM3, EMERGING LOCAL PLAN)

Two of the proposed dwellings (Plots 4 and 5) have a rear garden area measuring 50 sq m instead of the required 65 sq m according to the external space standards. This is an unacceptable shortfall as the policy requirements must be met in full and so the proposal conflicts with policy D DM3 of the Emerging Local Plan.

HIGHWAYS AND PARKING (GEN12, ARUN DISTRICT LOCAL PLAN)

West Sussex County Council Highways department has no objection to the re-use of the site access for this development. However, whilst the absence of further information requested at the consultation stage could be potentially secured by way of appropriate conditions, concerns regarding the internal road layout cannot be overcome including a narrow 4m wide carriageway and the lack of clarity about whether Plots 3 and 5 will have their own driveway access on to Church Street. There is also no connectivity between the existing footway along Church Street and the footways from the site. There has been no S106 agreement submitted with the application which includes adequate provision for a Traffic Regulation Order at the site and this fails to satisfy Highways requirements.

It is therefore considered that the proposal conflicts with policy GEN12 of the Arun District Local Plan.

CONCLUSIONS

The proposed development by virtue of the number of dwellings, layout and design will result in an unacceptably cramped and contrived appearance. The dwellings will cause harm to residential amenity both within and outside the site. There has been no acceptable unilateral S106 agreement submitted to include adequate provision for a Traffic Regulation Order which is at the request of WSCC Highways department. Two of the dwellings also unacceptably fall short of meeting the external space requirements in respect to the rear garden area.

It is therefore recommended that the application be refused 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 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, a neutral impact has 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

REFUSE

- 1 The proposed development by reason of the number of dwellings, layout and design would result in a cramped and harmfully contrived appearance that would run contrary to the prevailing development pattern of the area and would neither preserve nor enhance the Conservation Area in conflict with policies GEN7(ii) and AREA2 of the Arun District Local Plan and policies D SP1, D DM1 and HER DM3 of the Emerging Local Plan.
- 2 Due to the layout and close proximity of Plot 2 to Plot 3, there would be harmful overshadowing, overbearing effects and an unacceptable loss of light on to the property of Plot 2 which would be to the harmful detriment of prospective occupiers in conflict with policy GEN7(iv) of the Arun District Local Plan and policy D DM1 of the Emerging Local Plan.
- 3 The proposed development makes an unsatisfactory S106 contribution failing to include a contribution towards a Traffic Regulation Order as required by the Highways department of West Sussex County Council and so would be contrary to Paragraph 35 of the National Planning Policy Framework.
- 4 By virtue of the rear garden sizes for Plots 4 and 5, there is an unacceptable shortfall in their area which fails to meet the requirements of the External Space Standards which is in conflict with policy D DM3 of the Emerging Local Plan and would lead to an unacceptable level of amenity space for future occupiers of those dwellings.