Recommendation Report for Outline Consent

REF NO: **LU/182/12/**

LOCATION: Land at The Poplars
Littlehampton

PROPOSAL: Outline application for 7 residential units with associated garages, parking and access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The development also proposes 11No. residents parking spaces with single garages to serve plots 1-5. 2No. visitor parking spaces are also proposed which will require a revision to the footpath leading to the existing play facility. In all 18 parking spaces are provided within the development site.
SITE AREA	1830sqm.
RESIDENTIAL DEVELOPMENT DEN	Approximately 38 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	Some trees have been recently cut down to a low level in the middle of the open space, as such none of any significance would be affected by the proposed development.
BOUNDARY TREATMENT	Hedgerow and trees to north and west boundaries. Eastern boundary kept by close board timber fencing, approx. 2m in height to rear gardens of properties to the east. Pumping station enclosed by close boarded timber fencing, approx. 2m in height. Low level post and rail timber fencing forms part of boundary with the highway to the south. Play area enclosed by metal fencing, approx. 1m in height.
SITE CHARACTERISTICS	The site is mainly laid to grass which forms part of the public open space associated with the existing development on the site. To the north-west part of the open space area is a fenced play area and centrally is a fenced off pumping station.
CHARACTER OF LOCALITY	Sited within a recently completed residential estate. Mix of terrace and semi-detached dwellings. A259 to the north of the site. Service station to the west and further residential site currently under construction to the east.

RELEVANT SITE HISTORY

LU/264/97	Location of access road from Worthing Road to new commercial site	Approved Cond + S106 16-11-1998
LU/269/98/	Outline Application for redevelopment of commercial use B1, B8 & B2, residential, public house and retail unit and public open space.Revised site boundary to incorporate highway works,bus shelters,cycleways and footpath links.	Withdrawn 28-05-1999
LU/187/98/	Outline application for redevelopment of site for Use Classes B1, B2 & B8 together with detailed approval of the road access.Revised site boundary to incorporate highway works,bus shelter,cycleway and footpath links.	Approve Conditionaly 28-04-2000
LU/182/99/	Approval of reserved matters following outline approval LU/182/99 for residential development of 43 houses and associated garages	Approved Cond + S106 25-06-2001
LU/439/03/	Residential development of 43 houses and associated garages.	Approve Conditionaly 11-02-2004
LU/193/05/	Revised house types to plots 26,31,38 & 43 with minor amendment to adjacent plots and site layout	Approve Conditionaly 04-08-2005
LU/306/11/	7 no. residential units with associated garages, parking & access	Refused 01-02-2012

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection; over development of site. Lack of amenity space/open space.

18 Letters of objection (6 from 3 addresses):
-Assume that the previous reason for refusal still stands.
-7 new homes will create significant levels of traffic on a site which is already over-congested.
-Restricted access due to narrow roads for emergency vehicles.
-Loss of open space for children to play on.
-Loss of outlook from 28 The poplars towards the open space.
-Reduces the open space land to an unacceptably small amount.
-Existing pumping is not adequate to accommodate the dwellings.
-Mature trees removed from the site prior to the previous application as well as hedging along the northern boundary which has resulted in increases in noise levels from the A259.
-Inconvenience to residents during construction process.
-Little change to the previous application, just questioning the previous decision made.
-Land is not undeveloped land as stated in the application, it is open space.

-It is important local amenity space.
-Plots 43, 173, 164 and 175 will be overlooked out of side and rear windows.
-Turning circle for plot 26 will be inadequate.
-Will make the estate feel enclosed and claustrophobic.
-Current application makes no contribution for public open space on site nor financial sum towards play facilities.
-Overlooking and loss of privacy to 10 The Poplars.
-Development would destroy the local community.

Comments on Representations received:

Comments are noted.

CONSULTATIONS

WSCC Local Development Divis.
Southern Water Planning
Environment Agency
Parks and Landscapes

Consultations responses received:

PARKS AND GREEN-SPACE:
The above application for the development of 7 units is located within an area of public open space. The open space was provided as part of a previous application for the surrounding development and was agreed together with play provision provided within that area of POS in accordance with the Council's planning policy.

The open space is thereafter subject to the Council's saved policies - Policy Area 5 - Protection of open space. This policy will only allow for development in open space areas by exception. The comment in relation to the proposals map is noted, however the map predates the development where the POS was provided the area of POS would not therefore be noted on this map.

The development applied for does not meet the criteria specified in the saved policy; I therefore object to the application for this reason.

SOUTHERN WATER:
A water trunk main, public foul rising main and foul sewer crosses the site. The exact position of this need to be determined on site. Condition regarding its protection during construction. No objection to the foul water drainage strategy submitted by the applicant. The Foul flow from an additional 7 dwellings will have no adverse effect on the operation of the pumping station, which is currently working satisfactorily, with no recorded incidents relating to pumping station malfunction.

COUNTY HIGHWAYS:
The garages and car parking spaces are predominantly located all together in one block and cycle storage will be provided within each garage. Manual for Streets recommends a minimum size of 3m by 6m to be large enough for this type of use.

The existing access road is adopted highway and has a footpath either side however; this layout changes, at two access points within the development, by the markation of granite sets on the road. These formalise the change of layout from adopted standard carriageway into an unadopted shared use layout.

The proposals indicate the layout of the proposed road will be in keeping with the existing development and the new roads will not be adopted as public highway. In the interests of pedestrian safety, pedestrian visibility splays of 2m x 2m should be maintained where the foot-way discharges onto the shared space.

The local authority should also liaise with the waste authority to arrange for the methods of storing, segregating and collecting waste and that there is sufficient room for a refuse vehicle to undertake their duty.

It has been highlighted that the existing access to 'The Poplars' will be retained and enhanced however there is no indication in the application to what this might include. As the existing access is part of the adopted highway it will be appropriate for any enhancements to be approved by our highways implementation team as part of a minor highways works license.

The development is in a sustainable location and is within easy access of local shops and amenities. Littlehampton town centre and its mainline railway station is within 2.5km and the A259 is adjacent to the site linking to bigger towns along the coast. The site is also served by a number of bus routes; and the roads surrounding the site are suitable for cycling. Footpaths within the development link into the wider foot-way network and provide sustainable travel alternatives on foot for local journeys and beyond.

A development of this scale would not have a material capacity impact on the operation of the highway network; and as such WSCC raise no objection to this application.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary
Public Open Space

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC4	Sustainable Design and Construction
	SEPH3	Affordable Housing
	SEPH4	Type and Size of New Housing
	SEPNRM10	Noise
	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
	GEN20	Provision of Public Open Space within New Development
	GEN32	Noise Pollution
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

	NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

PLANNING
The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

EMERGING LOCAL PLAN
The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight should be given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING
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 as well as the residential amenities of the adjoining properties. The proposal would also lead to the loss of open space associated with a previously approved development; and fails to proivde a contribution towards existing play facilities. Further, the development fails to make an off-site contribution towards affordable housing within the district.

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 application seeks permission for the construction of seven residential dwellings, 5No. garages, parking spaces and an access road. The proposed development would be an extension of the residential development associated with 'The Poplars'. The location of the proposed residential development is to take place entirely within an area laid out and approved as public open space for 'The Poplars' development to which LU/182/99, LU/349/03 and LU/193/05 refer. This application seeks to overcome the previously refused application LU/306/11.

LOSS OF OPEN SPACE
The above permissions referred to granted consent for 43 dwellings and associated garages. This development was permitted subject to adequate open space and play facilities being provided on site, in accordance with the Councils adopted SPG on Open Space and Recreation Standards and relevant Local Plan Policy GEN20.

It is considered that the construction of these dwellings would not enhance the use or appearance

of the open space resulting in a large part of the open space provided for the previous development being lost as well as the visual amenity value it currently affords. Further to the loss of visual amenity value, its play value would also be diminished. No provision has been made by the applicants to address the loss of the open space nor has any compensatory open space or improved facility been provided elsewhere. In any case it is unlikely that such a site could be provided within the locality to serve this development.

In this case, as stated above the erosion of open space serving the existing development would result in the loss of available public open space for the surrounding properties. The development proposed and layout submitted would also result in the remainder of the open space becoming unusable with only a small strip of land between the residential properties to the south and the A259 to the north. This is neither well designed nor does it provide any passive surveillance which is desirable for such areas. Open space must be developed as part of any new development ensuring that safe usable areas are provided.

OPEN SPACE PROVISION
The Councils adopted SPG on Open Space and Recreation standards require that developments proposed for 7 dwellings or more provide on-site open space. Also, a commuted payment towards children's play facilities will be sought on the basis of £1000 per dwelling in order to contribute towards the additional need created by the development for play and recreation facilities. The current application makes no provision for public open space to be provided on-site, which in this case would be a minimum of 403 square metres, nor is there a mechanism in place to secure a commuted sum per dwelling for contributions towards off site play and recreation facilities.

PRECEDENT FOR FUTURE
Further to the comments made above, if this proposal for the loss of open space within a previously approved residential development were permitted, the Local Planning Authority would find it very difficult to resist similar proposals within the vicinity to the serious detriment of the amenities of the area.

AFFORDABLE HOUSING
An Interim Affordable Housing Policy was approved by Full Council on 18th August 2010. The policy states that developments of 1 - 14 units must provide a 15% off site contribution to affordable housing district wide. Therefore as the proposal is for seven dwellings, a contribution will be required via a S106 Agreement. No such legal agreement has been provided as part of the proposal.

It is therefore recommended that the application be refused for the reasons set out below:

HUMAN RIGHTS ACT

Human Rights Act:
The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect for private and family life), 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 a negative impact has been identified upon those people with the following protected characteristics (age, pregnancy and maternity).

RECOMMENDATION

REFUSE

1 The proposed development would lead to the loss of an area of open space, which serves the existing 'Poplars' development. The proposal would therefore be contrary to policy GEN20 and Supplementary Planning Guidance - 'Open Space and Recreation Standards' of the Arun District Local Plan.

2 The siting of plot 6 would result in an unsatisfactory relationship with properties of plots 42 and 43 'The Poplars' in that they would appear overbearing due to the proximity to the rear boundaries of these properties. The proposal therefore conflicts with policy GEN7 of the Arun District Local Plan.

3 If this proposal were permitted the Local Planning Authority would find it difficult to resist similar proposals in the vicinity, to the serious detriment of the amenities of the area and open space provision in conflict with policies GEN7, GEN20 and Supplementary Planning Guidance - 'Open Space and Recreation Standards' of the Arun District Local Plan.

4 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy adopted on 18 August 2010.

5 The proposed development fails to make an adequate contribution towards play facilities nor does it provide open space within the site which is thereby contrary to the aims and objectives of Supplementary Planning Guidance - 'Open Space and Recreation Standards' of the Arun District Local Plan.