

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: LU/201/16/RES

LOCATION: Windroos Nursery
Worthing Road
Littlehampton

PROPOSAL: Approval of reserved matters following outline consent LU/229/10/ for appearance, landscaping, layout & scale for 84 No. dwellings

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	2.38ha
RESIDENTIAL DEVELOPMENT DENSITY	35dph
BOUNDARY TREATMENT	The site is currently contained by hedging and trees along the Worthing Road frontage and by timber fencing along the other three boundaries. This separates the current haulage site from the neighbouring residential development site to the north and west.
SITE CHARACTERISTICS	Commercial site The application site comprises a haulage depot on a former nursery site. Access to the site is existing from Worthing Road. 2 detached bungalows are located to the north side of the site. There is hardcore hard standings and a range of vehicles including HGV trailers located at the haulage site.
CHARACTER OF LOCALITY	The area is bordered by residential development to the north and west, Worthing Road to the south and the Body Shop premises to the east. Bungalows are located on the opposite side of the A259 and to the west the residential estate comprises a mixture of mainly 2 storey semi detached and terraced dwellings.

RELEVANT SITE HISTORY

LU/262/07/CLE	Application for certificate of lawfulness for an existing use as a single dwellinghouse and garage. Formation of residential curtilage.	Refused 11-09-2007
LU/229/10/	Outline application for redevelopment of site: Demolition of 2 bungalows, workshop,	App Cond with S106

glasshouses and incidental development with
erection of 91 dwellings with improved means of access onto worthing road (including
closure of existing 2 accesses) with all other
matters reserved. 28-09-2011

The site has had outline planning permission for up to 91 dwellings approved in 2011.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objections

Initially the Town Council objected to the proposal. However following submission of the revised layout the Town Council's Planning and Transportation Committee considered this matter at its

meeting held on Monday 6th March 2017. Considering the reserved matters before them, the Committee observed that the drainage strategy was lacking. Noting that Southern Water had previously commented on the inadequate capacity in the local foul sewerage network to provide for sewerage disposal from the development, the Committee therefore had no objection to the proposals subject to appropriate conditions being added that cover submission of a full drainage strategy for the site.

Two letters have been received making the following comments:

Oliver Acre Road is aligned/connected for vehicle and pedestrian access to the proposed Windroos Nursery development. Object strongly that vehicle and pedestrian access be denied between both developments at the eastern end of Oliver Acre on the following grounds:-

1. It would encourage the expansion of the current "rat run" from the A284 to A259 via Toddington Lane, Steele Crescent, Hollist Chase and Oliver Acre.
2. Encourage the expansion and high demand for vehicle parking on the Eden Park Est. Which has to be said is a planning disaster in respect to road widths and number of parking allocations.
3. As residents we currently fully fund for the upkeep to our green play areas and maintenance to childrens play equipment and dog fouling collection points. With no indication of such equipment etc. being submitted for the Windroos Nursery development. Why should Eden Park fund the councils social responsibilities.
4. The Road widths of the Windroos development appear to be the same as on Eden Park, who is in control here PB/developers or Arun CC has nothing been learnt from the disaster next door on Eden Park.

The removal of well established trees from the westerly edge of the proposed development. These have been in situ for many years, provide a natural wildlife habitat and soften the look of the landscape in an area blessed by its proximity to the South Downs National Park. Without these trees the view looking across, easterly from the neighbouring development that lays west of Windroos Nursery will be one of numerous brick elevations. These have been substantially reduced in height about a year ago. If removal of these trees is required for any safety reasons, then I feel suitable replacements of similar size should be planted along the same perimeter.

The addition of plot 32 to the revised plans is the only house that is placed right up against the perimeter fence / development boundary. Unlike other plots on the proposed development where the buildings are offset from their plot boundary by a garden, this property has no such offset on its westerly side. As such the view looking easterly from the neighbouring development is only one of an imposing brick elevation in relation to this plot and one that is more imposing than other plots on the proposed development.

Comments on Representations received:

The site layout is compliant with the Manual for Streets.

Plot 32 is located away from the boundary of the neighbouring garden on Faulkner Gardens as there is a separation gap which between the two residential sites. The proposed plot does not affect the amenity or overshadow to an unacceptable extent.

CONSULTATIONS

Environmental Health
Highways England
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Parks and Landscapes
Arboriculturist
Southern Water Planning
Economic Regeneration
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Ecology Advisor
NHS Coastal West Sussex CCG

Consultations responses received:

Greenspace - No Objections

This application has included a detailed and well thought out scheme of trees and shrubs that are both suitable and fitting for location. The schedules and detail contained within P3 revised drawings dwg 13121-P.10.006 P3 & dwg 13121-P.10.007 P3 does now contain specific quantities, which we had previously requested in plan form.

It is recommended that the reserved matters application relating to landscaping under application LU/201/16/RES following outline consent LU/229/10 is approved.

Tree Officer

The tree officer had made an objection as the development failed to provide an arboricultural method statement and that the applicant has failed to provide any information relating to any proposed planting scheme. This has been addressed by the comments received from Greenspace on landscaping.

Housing Strategy

No Objections - The affordable housing element of this scheme has been agreed.

Southern Water

No Comments to make.

Arun Drainage Engineer - No Objections

Drainage Engineer had concerns about the initial layout and drainage strategy but following the submission of amendments the drainage solution is now acceptable and the detailed drainage design should be submitted as a DOC application showing that the 1 in 100 year storm plus climate change allowance is stored without flooding, with a half drain time of no more than 24 hours.

Sussex Police

No Objections

Comments made in relation to designing out crime.

Highways England

No Objection - It is noted that the number of units has been reduced from 85 to 84 and HE are satisfied, on the basis of the information supplied that their earlier comments are still relevant. It stated that the proposals will not have an unacceptable impact on the safety and/or efficient operation of the strategic road network.

WSCC Highways

No Objections

The Local Highway Authority has previously issued comments on this site dated the 17th August 2016. A number of comments were raised relating to the proposed layout. Although some of these points were for advice/observations, certain points required amendments.

- A separate pedestrian access is shown onto the A259. There is an unsegregated foot/cycle way along the north side of the A259 in this location. Ideally this access into the development would be widened to 3 metres to continue the unsegregated foot/cycle way into the development.

The link has been increased to 3 metres.

- It is recommended that the parking spaces north of plot 62 are located behind the footway instead of the layout as shown. This would make defining the extent of adoption more straightforward, i.e. it would be the back edge of the footway. Given that the exact extents of adoption are not clear, it may well be that this access road is not being offered for adoption. The parking spaces have been moved to the back of the footway. This length of access road is in any case now shown as being private.

- The kerb radii at the junction at the frontage of plot 63 should be enlarged as much as possible. The logic of the layout shown is acknowledged (that there is no through route from the proposed development into the adjoining completed development and as such there would be no reason for traffic to turn right). However the Design Brief for Site 7 (which incorporated both the adjacent completed and currently proposed development) envisaged a through route.

Whilst there is a ransom strip between the two sites at present, this may be overcome. The design should be altered to reflect this. The kerb radii have been removed altogether and the access road indicated as being private. Putting aside matters of land ownership/control, whilst this would not preclude a through access in principle for pedestrians, given the alignment proposed does not reflect that within the adjoining development, it would be difficult to connect the two sites together for vehicle traffic.

· In connection with the above, there are quite a number of side roads where it appears that these will be accessed by formalised bell mouths with kerb radii. Given the low number of parking spaces served from these, these could alternately and more preferably have been accessed by crossovers. This would then give priority to pedestrian movements rather than vehicular traffic.

The layout has been altered in certain instances to give greater priority to pedestrian movements.

In summary, although a through access would reflect good practice, it's evident that this cannot be achieved without being reliant upon 3rd party land. Such a link could not be insisted upon. The applicant's responses to the other matters are acceptable.

As a further point, the applicant should note that service margins would be required alongside all adoptable roads. It's noted that service margins are not shown along some potentially adoptable roads. Service margins would need to be indicated as part of any future adoption agreement.

EHO

No Comments

Economic Development

No Comments

Environment Agency

No Objections. The Applicant is reminded that there will be a requirement to discharge the conditions that the Environment Agency had requested on the outline planning application.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u>	The Form of New Development
	<u>GEN12</u>	Parking in New Development
	<u>GEN18</u>	Crime Prevention
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>GEN32</u>	Noise Pollution
Publication Version of the Local Plan (October 2014):		D SP1 Design
		H DM1 Housing Mix
		D DM3 External Space Standards
		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		QE DM1 Noise Pollution
Littlehampton Neighbourhood Plan 2014 Policy 1		The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2		A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 3		Housing Supply

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

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 application proposes a reserved matters application in pursuance of outline planning permission application LU/229/10. The outline permission related to access and numbers. Scale, layout, appearance and landscaping form the reserved matters. The total number of dwellings proposed is 84 (the outline permission related to 91). The dwelling types vary between an apartment block, detached, terraced and semi-detached houses with 2, 3 and 4 bedroom units and are 2 and 3 storeys high.

DESIGN & LAYOUT

The site lies in an urban area where the principle of development is considered acceptable. Outline permission for residential development on the site has been approved. The principle of residential development including the maximum number of units and access is therefore acceptable.

The layout of the site is now generally acceptable where a number of requested amendments have been made to the submitted iterations.

Arun District local Plan Policy GEN7 indicates planning permission will only be granted for

schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. In this case, it is considered that the proposed development would be acceptable on the residential amenities of neighbouring properties because the distances to the boundaries are adequate to preclude adverse overbearing and overshadowing effects.

The urban location is recognised with the choice of materials - mainly buff or red brick under tile roofs. The layout has taken account of roof plane orientation to allow solar panels to make the most of southern aspects.

The design of the properties moves away from the typical volume house builder offer and is acceptable in the urban setting next to the A259 corridor. There are a mix of house types and designs.

LANDSCAPING

The design and layout is now also acceptable in terms of the landscaping and open space provided whereby Greenspace have confirmed that the application provides a well thought out scheme of trees and shrubs.

There is a well defined landscape buffer to Worthing road which is appropriate. The layout features a tree lined access road that leads to one of two squares with development facing the square.

The development complies with policy GEN7 of the Arun Local Plan 2003 and DDM2 and DDM3 of Arun Local Plan publication version showing modifications.

PARKING AND HIGHWAYS

WSCC have no objections to the amended internal road layout and the parking meets the required standards. The access in to the site reflects good practice. Early on in the application it was established that there is a ransom strip around the site which will preclude the proposed development from linking with the existing Taylor Wimpey development. The applicant has shown that there would be no future connection to Faulkner Gardens but the proposed road that leads towards Oliver Acre is up to the ownership boundary should the issue be resolved at a future point in time.

An objection has been received that seeks to avoid rat runs through the existing residential area. As there is no vehicular link this cannot happen. The initial layout had a too many car parking spaces in car courts and the revised plan reduce this significantly and ensures that spaces are overlooked. Therefore complies with the NPPF.

AFFORDABLE HOUSING

It is noted that the submitted scheme includes 14 affordable housing units and the Council's Housing Strategy and Enabling Manager has stated he has accepted agent's viability evidence at the outline stage which demonstrated that the scheme of 91 units as presented can only provide 15%(14). The layout has been reduced to 84 dwellings but the applicant will still provide 14 affordable dwellings.

DRAINAGE

The drainage strategy required a number of alterations as initial consultation comments from the

drainage engineer indicated that the SUDS crates could not contain all the water in the worst case. Revisions have been confirmed by ADC drainage engineer and the detailed design will be required as a DOC application demonstrating that the 1 in 100 year storm plus climate change can be achieved without flooding, with half drain time of no more than 24 hours.

In Summary, the revised layout provides an acceptable layout in terms of scale, layout, appearance and landscaping.

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) 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 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

APPROVE CONDITIONALLY

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

- 13121 P.10.001 P1 - Site Location Plan
- 13121 P10.005 P2 Proposed Site Plan 1 of 2 and 2 of 2
- 13121 p10.010 C - tree protection plan
- 13121- SK01 A Site Plan13121 P.10.006 P3 1 of 2 Planting Plan
- 13121- SK01 A Site Plan13121 P.10.006 P3 2 of 2 Planting Plan
- 063.5001.108 - Infiltration Structures
- 063.0001.002 P5 Refuse Tracking Plan
- 063.0001.001 P5 Fire Tender tracking Plan

063.5001.004 Rev A Extent of Highway Adoption
063.0001.003 P4 Internal Visibility Splays
13121 P20.001 P2 house Type A & B
13121 P20.002 P2 house Type C
13121 P20.003 P2 house Type D
13121 P20.004 P2 house Type E
13121 P20.005 P1 house Type F
13121 P20.007 P2 - 2 bed flats elevations
13121 P20.006 P2 - 2 bed flats floor plans
13121 P10.008 P2 Hard Landscaping Plans 1 of 2
13121 P10.008 P2 Hard Landscaping Plans 2 of 2
13121 P20.010 P2 Street Elevations A-A to C-C
13121 P20.011 P2 Street Elevations D-D to F-F
13121 P20.012 P2 Street Elevations G-G to J-J
13121 P20.013 P2 Street Elevations K-K to M-M
13121 P20.014 P2 Street Elevations N-N to Q-Q

Reason: For the avoidance of doubt and in the interests of amenity and the environment and in line with policies GEN7 of the Arun District Local Plan and Policies H DM1, H DM2, D SP1, D DM1, D DM2 and D DM3 of the Emerging Arun District Local Plan.

- 2 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 No dwelling shall be occupied until provision for their car parking has been made within the site in accordance with the approved details shown on 13121 P10.005 P2 Proposed Site Plan 1 of 2 and 2 of 2 by the Local Planning Authority and such provision shall thereafter be used only for the parking of cars.

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

- 4 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 5 INFORMATIVE: The permission is approved but there is a requirement for conditions included in outline decision LU/229/10 to be discharged.