

REPORT UPDATE

Application No: LU/223/14/PL

Reason for the Update / Changes

This update applies to all of the 5 Wick affordable housing applications.

Reason for Update/Changes:

Since the 5 reports were written there has been a change in the policy framework. On 15/10/14, a successful referendum regarding the Littlehampton Neighbourhood Plan was held. It is now proposed to take this Plan to full council on the 5th November where if a decision that it be formally 'made' is taken, it will then become part of the Development plan for Arun District Council and will be used when determining planning applications for Littlehampton. As such, it is considered that the Littlehampton Neighbourhood Plan is now a material planning consideration.

Having reviewed the policies within the Neighbourhood Plan, it is not considered that the applications are contrary to the Neighbourhood Plan. Policy 3 (Housing Supply) includes the following with regard to affordable housing:

"The Neighbourhood Plan provides for the development of at least 200 homes in the period 1 April 2014 to 31 December 2029, above the existing commitments, which will include a requirement to provide affordable housing units in line with Arun District Council's affordable housing policy. These will be built on allocated sites and windfall sites"

There is compliance with this Policy as the 5 sites are considered to be windfall sites and the proposals are for affordable housing.

It is also noted none of the sites contain any open spaces which are protected from development by Policy 16 "Open Spaces" and that there is no loss of community facilities (Policy 6 "Residential Development involving the loss of community facilities". Finally, in accordance with Policy 22 which states that:

"The Neighbourhood Plan will support proposals for the housing developments, provided they can clearly demonstrate that, in responding to the adopted West Sussex 'Guidance for Parking in New Residential Developments, September 2010' Supplementary Planning Document: * the scheme layout and building plot configurations are able to properly accommodate the forecast requirement for off-street and on-street car parking, and â€¦."

The schemes have all been designed to accommodate the parking needs of both existing and future residents. This is reflected by the parking surveys that have been carried out and the additional lay-by parking proposed.

Members should also note that no future widening works are proposed on this section of the A259. Therefore, it will not be the case that the A259 will be brought closer to the new houses. The closest proposed highway work is to the Morrisons roundabout.

Officers Comment:

There are no changes to either the recommendations or conditions.

Notes: Changes to recommendations, conditions and / or reasons for refusal will

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always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/223/14/PL

Recommendation Report for Planning Permission

REF NO: LU/223/14/PL

LOCATION: Land north of 52-67 Greenfields
Littlehampton

PROPOSAL: Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 8 No houses and associated parking, hard and soft landscaping, on an existing parking court

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal is for 8 x 2 bed houses arranged in two terraces. One terrace fronts onto the adjacent 'dogwalk' footpath whilst the other faces east towards the flank of 51 Greenfields. The proposal includes cycle stores, 7 new trees, parking for 21 cars and two new parking bays on grass verge on Greenfields (15 spaces total).

SITE AREA

0.23 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

34.7 dph.

TOPOGRAPHY

Predominantly flat but there is a slight incline from the car park to the fence on the northern boundary.

TREES

There are no trees within the site but two Wild Cherry trees overhang the northern boundary and are to be removed.

BOUNDARY TREATMENT

2m high green palisade fence to the northern boundary. Various 1.8-2m high fences to the rear of those dwellings that back onto the site.

SITE CHARACTERISTICS

Existing part parking plot/court, part grassed amenity space located off Greenfields and behind several existing dwellings. To the north there is a 'dogwalk' footpath and an area of

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landscaping forming a buffer to the A259. The site is predominantly hardstanding edged with either pavement or grass verge. The parking spaces are not marked out with white lines and the parking area is underused. The grassed amenity space measures approximately 1000m² and had several items of litter on it at the time of the visit. These included half a chair, drinks bottles & cans, a paper cup and a black bag. It is also noted that an Arun DC sign next to the space states "No Ball Games".

CHARACTER OF LOCALITY

Residential but edge of settlement and adjacent to the A259 ring road.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council - submitted the following comments on three separate response sheets:

"The Town Council's Planning and Transportation Committee considered planning applications LU/221/14/PL, LU/222/14/PL, LU/223/14/PL, LU/224/14/PL and LU/227/14/PL at their meeting held on 26th August 2014.

Given that the applications formed part of five individual proposals for the construction of a number of affordable homes in the Joyce Close and Greenfield areas of Littlehampton, the Committee considered that they would have a significant cumulative impact on the area. In view of the close proximity of the sites, Members felt that in order to understand this cumulative impact, it was more appropriate that the plans be assessed collectively, although comments on the individual applications were also considered. The following comments therefore apply individually to each application.

The Committee was strongly of the view that the proposals constituted an overdevelopment of the Joyce Close and Greenfields areas as they would increase the overall density levels on the estate. It was felt that by cramming as much housing as possible on to the individual sites, the District Council was behaving in a manner contrary to its own housing policies which advocate the growth of housing which is "designed to consider wider economic, environmental and social regeneration ambitions including developing the right mix of housing to meet existing and future needs and prevent social polarisation", as set out in the Policy document "Raise the Roof". Far from delivering "an improvement in the quality of life for residents living in the most disadvantaged areas of the district", the proposed housing would encroach upon verges and embankments in the area. Noting that major roads such as the A259 were expected to expand, the Committee considered that the impact that this would have on the residential amenity of both the current and new residents was especially of concern. A factor that was recognised in the Noise Assessment, which stated that the area

was already subject to reasonably high levels of noise emanating from the nearby A259. Members also noted that the level of noise was unacceptable on some sites under current World Health Organisation guidelines.

Members also questioned the observation that there was sufficient proposed onsite parking to cater for the increased demand generated by the new development. Based on their knowledge of the area, Members considered that parking in the area was already fully utilised and that the proposed development would exacerbate the problem as the proposed new off street parking was not as accessible to existing residents as the current parking. It was also thought that the assessment of parking survey had been undertaken at an unrepresentative time. Furthermore it was noted that green space and hard standing would have to be sacrificed to provide parking adding to the overall cramming of housing. Overall, it was thought that if anyone other than the District Council had submitted these plans, they would not be acceptable as they fail to deliver the balanced and sustainable communities envisaged in the District Council's Policy document "Raise the Roof". The Committee was unanimous in its opposition to each of the proposals and objected to the planning applications on the grounds that they constitute an over development of the area, would have a detrimental impact on the residential amenity of neighbouring properties and the insufficient and inappropriate siting of parking provision.

In addition, the Town Council wishes to draw the Planning Authority's attention to the following points:-

Parking

'Based on observed onsite parking there is sufficient proposed onsite parking to cater for the existing demand and the new development demand combined.' Comments:

- The estimated parking on each site is based on conclusions from one parking needs survey carried out the week before Christmas 2013 when on street parking could be reduced.
- No displaced parking due to development will occur based either on full current onsite capacity or observed levels (LU/223/14)
- New offsite parking uses the green strip/verge to edge of Greenfields (LU/227/14)
- The proposed new offsite parking is not as accessible to residents of existing housing as the current parking.
- For the new houses that are facing northwards access to parking for shopping etc. is very poor

Soil Infiltration Testing

'The infiltration testing across the sites has shown variable but overall poor results. Best values were seen at shallow level at the east of the investigation area' (LU/221/14 & LU/222/14)

'At this site it was not possible for the water to fall below the 25% fill depth (within the Building Research Establishment Ltd (BRE) guidance) in TP3B and TP4B within the time available and as such only fall levels to between 39% and 44% were recorded' (LU/224/14, LU/223/14 & LU/222/14). Comments:

- The infiltration testing of sites LU/221/14 & LU/222/14 showed the best results but these were still not good. Is it appropriate to build more houses if this is a problem?
- It appears that at sites LU/224/14, LU/223/14 & LU/222/14, in spite of renewed testing are showing very slow land drainage. Is it appropriate to build more houses if this is a problem?

Ecology Study. Comments:

- This was a desktop study that assessed within a radius of 1km of the site so included West Bank. The basis of the analysis is questioned as it relies on a comparison between two

distinct areas - Wick and the West Bank.

- A more relevant study might be to see how they could improve the existing ecology as there has been very little done to protect existing green spaces

Technical Note - Transportation. Comments:

- Each site has been assessed separately which for a number of dwellings does not require a formal Transport Assessment. It is unclear if the applications have been assessed collectively
- The report concludes that 'the site layout allows sufficient room for refuse and service vehicles to negotiate'. The 'swept path analysis' is very tight to the new parking bays and would block access to new housing

Noise Assessment

'The sites are subject to reasonably high levels of noise emanating from the nearby A259'

- The majority of amenity areas will be subjected to levels of noise that would be unacceptable under World Health Organisation (WHO) guidelines.' Comments:
- These conclusions particularly affect houses that face towards the north and have very small front gardens

In addition, the Town Council wishes to draw the Planning Authority's attention to the following points:-

Design & Access Statement. Comments:

- 'The proposals are for a low density scheme that retains a good amount of green space, either as private rear gardens, or sizeable landscaping buffers to the site perimeter'. As concluded in the noise assessment report the level of noise is unacceptable on some sites under WHO guidelines.
- The proposals are for a low density scheme that retains a good amount of green space, either as private rear gardens, or sizeable landscaping buffers to the site perimeter'. Does this include the 2m brick acoustic barrier? (LU/227/14)
- The poor access to this development is very evident and has been subject to a high number of comments from residents
- The Statement of Community Involvement is a very brief assessment of the issues identified and implies that residents were largely in favour of the developments

General Comments

- The overall design is in keeping with existing housing
- The layouts are reasonable but frequently face in directions that make pedestrian access difficult particularly for people with mobility problems or young families
- Small areas of green space are taken to improve traffic access
- All of the developments take away 'breathing spaces' between housing which is increasing the overall density levels of the estate."

In addition, 28 letters of objection have been received. The concerns are as follows:

- * Health and safety - emergency access to new properties;
- * Overlooking/Loss of Privacy/Overshadowing;
- * Shouldn't mix old and new housing;
- * Unacceptable high density - overbearing in character compared to existing housing;
- * Existing parking not taken into account;
- * Proposal does not create attractive places (GEN7 (ii));
- * Loss of open & wooded areas;
- * Loss of views;

- * Not just on the existing parking court also includes the dog walk area of grass and trees between the footpath and the parking court;
- * Removal of fencing will be detrimental to the whole neighbourhood;
- * Priority should be given to pedestrians;
- * Parking - will have to park further away & new parking spaces are wrong - increased distance to rubbish bins (71 Greenfields);
- * Losing access from both sides (48 Greenfields); and
- * Slow worms don't want landscaping but existing grass verges.

A letter has also been received from the Arun Access Group listing the following concerns:

- * No Design & Access Statement;
- * No indication on drawings as to where kerbs will be dropped to allow movement by the disabled;
- * No indication of how change in levels between the 'dogwalk' and the houses will be managed for disabled users; and
- * No information about disabled access in the application.

Comments on Representations received:

APPLICANT COMMENTS ON THE TOWN COUNCIL RESPONSE:

The applicant has made the following comments:

"(1) The Council has actually been very restrained in the amount of housing it is looking to provide on these sites and has reduced the numbers considerably from what could be accommodated (from 30 down to 22). The Council did not wish to cram as many as possible as has been the case in other local private developments e.g. 45 Westway or 1 Cobham Close. The houses are all generously sized with gardens and the overall density is still very low relative to other parts of the town and to new developments elsewhere. The objection of cramming does not stand objective scrutiny as we are still less than 50 per hectare.

(2) The number of social rented units on the Wick estate has been drastically reduced over the past 25 years due to Right to Buy (RTB) which has led to a severe shortage of this kind of accommodation as it has not been replaced. This application goes a small way to provide some affordable homes in an area of high need and demand in a sustainable location. The mix of the units proposed i.e. mainly 2 bedroom 4 person houses is to meet the assessed needs of the area.

(3) We recognise there is some noise generated by the bypass which is why we commissioned the noise report. The report recommends measures to be incorporated into the design which will reduce the impact of the noise and make the environment acceptable i.e. within the WHO guidelines. We are proposing to incorporate these recommendations. These measures such as acoustic fencing and the building of the new homes will create a noise buffer which will actually benefit the existing residents as well. (It should be noted that the Council's Environmental Health officers support this approach).

(4) The sites appeared to be very underused however to be objective, we commissioned the independent parking survey to measure the actual use during the day and night time both during the week and at the weekend. The survey demonstrated sufficient capacity was available in the surrounding streets without the need for additional off-site parking. We would be willing to omit the off-site parking if this is not wanted but this was included as an overall improvement to the parking amenity in the area.

(5) Soil infiltration testing. Soakaways are the preferred solution but if they do not work this is not a problem and no reason to abandon the scheme as there is existing surface water drainage in place for the large concrete areas. As we will be reducing the area of concrete by providing garden areas, the run off from the scheme will reduce the amount of drainage. The best solution will be agreed with the engineers if permission is granted.

(6) Ecology Study. West Bank is just included as part of a wider impact assessment. The assessment focusses on the sites themselves and concludes they are very low quality environmentally.

(7) Transportation. The sites may be tight but the swept paths demonstrate that there is access for bin wagons and fire tenders etc. (It should be noted that this has been confirmed by the County Highways response).

In addition, the applicant has recently supplied a letter from the West Sussex Fire and Rescue Service. This is available on the website. The letter states that:

"Accesses to the new developments are compliant for access to within 45 mtrs of all parts of all dwellings and the existing dwellings are at no greater disadvantage than the regulations for those properties when constructed. I can also confirm that there are sufficient hydrants in the location already in-situ for the purposes of fire fighting to service both existing and proposed dwellings"

(8) Noise Statement - The noise levels would be unacceptable if we did not include any abatement measures however with the measures in place they are acceptable.

(9) Access - The access to some of the new homes may not be perfect but it reflects the existing layout of the estate which benefits from the separation of pedestrians and cars along the Radburn principles when it was designed and it makes the best use of the constraints of the sites."

APPLICANT COMMENTS ON THE RESIDENTS RESPONSES:

In respect of the letters of representation, the applicant has made the following comments:

"(1) Overlooking/Loss of Privacy/Overshadowing/Character

We have taken great care to ensure that the scheme minimises any overlooking/overshadowing. Regarding, the mixing of old & new houses, if that was an agreed principle nothing would get built anywhere. The new homes have been designed to be a contemporary update on the existing styles but will be larger and better insulated to meet current requirements. As they are only two storey we don't believe there will be a problem with over shadowing.

We don't believe overlooking will be an issue as the properties are more than minimum requirements apart. Loss of views might occur in limited cases but that is not a planning issue. This is historically a Council estate and there are a mixture of tenures both council, private rented and owner occupied through the Right To Buy (RTB) scheme.

(2) Existing parking not taken into account

We have taken into account the existing parking demand as well as that of the new

development to WSCC standards. There is no evidence of parking stress in the area. The large concrete parking courts we are proposing to build on are less than 50% used in the evening and are empty for most of the day. We have modified the designs from what was originally proposed to reduce the number of houses and increase the parking provision. The current demand and the demand from the new homes can still be met on site after the new homes have been built however some people will inevitably have to park a bit further away from their house than they do at present. In addition we are proposing to provide a total net gain of 35 spaces off site and the parking survey found there were a further 50 spaces available on the roadside at the time of the surveys.

These areas were originally provided by the council to provide parking for its council tenants i.e. they are not public car parks. Although a lot of the houses have been sold, they have not been sold with parking rights to use these areas and although we do not object to people using these courts, it should be borne in mind that none of the owner occupiers objecting to the reduction in parking contribute anything to their upkeep or maintenance.

(3) Proposal does not create attractive places

We think it does comply with Arun District Local Plan Policy GEN7 and provides much more attractive use of the land than the existing use as it will provide gardens, landscaping and homes rather than just bare concrete or low amenity grass.

(4) Proposal also includes the dog walk area

There are small amounts of the grass verge between the parking areas and the dog walk path that will be incorporated into front gardens. Other parts will be retained, planted and form buffer strips to the parking areas. Where the houses are built there will no longer be the need for steel fencing which was installed to prevent cars being driven through the parking areas onto the dog walk and set on fire.

(5) Removal of fencing will be detrimental to the whole neighbourhood

The perimeter of the retained parking areas could keep the fence however we are proposing to improve the appearance by replacing it with a 450 mm high timber knee rail and steel bollards. If this is seen as being inadequate to stop cars being driven onto the dog walk this could be hardened e.g. by raising the planted areas with dwarf walls. The removal of the fencing will improve the appearance of the neighbourhood as the dog walk will be overlooked and natural surveillance will improve security of these isolated back courts which we anticipate will mean there is less need for a 6 foot metal fence. If planning is granted we would be happy to discuss the alternative barriers to the fence with the residents.

(6) Parking - will have to park further away & new parking spaces are wrong

The current collection point will be altered and as such, distances will increase. However, if there are medical grounds, then assisted collections may be available from the refuse collectors.

(7) Losing access from both sides

The parking area for these houses will be further away than the existing. The extra distance is approximately 30m further away. The existing houses are serviced from a footpath currently due to the Radburn layout of the estate.

(8) Slow worms don't want landscaping but existing grass verges.

Although there were recent records of common lizard and slow worm within 1km of the development sites, the survey did not find any within the site area.

(9) Flooding

The drainage will be improved by the new development through the addition of more green garden space and additional soakaways to the engineers approval.

(10) Emergency & Fire Access

The original scheme has been redesigned following consultation with the WSCC fire department to ensure that they have sufficient access to the new and existing properties. This is a building control matter and the scheme will meet their standards. The fire brigade have been consulted and have confirmed they are happy with the proposals which have been modified to take on board their advice. Access for fire tenders has been included adjacent to 52 Greenfields."

APPLICANT COMMENTS ON THE ARUN ACCESS GROUP RESPONSE:

With respect to the letter from the Arun Access Group, the applicants met with the writer and gave him a copy of the plans asking him to mark any areas of concern so that they could be incorporated in to the scheme. Unfortunately, the plan was never returned.

CONSULTATIONS

Building Control
Southern Water Planning
WSCC Strategic Planning
Sussex Police-Community Safety
Environmental Health
Engineering Services Manager
Engineers (Fluvial Flooding)
Planning and Housing Strategy
Head of Planning Policy & Cons
Arboriculturist
Parks and Landscapes

Consultations responses received:

Southern Water - request an informative.

Sussex Police Crime and Prevention Design Adviser - advised that the proposal did not meet the consultation criteria and therefore offered no comment.

West Sussex Highways - Summary of relevant comments below:

- * No known issues with this access in its current format;
- * The proposal will in essence result in an extension of this road to serve the development and will utilise a shared surface arrangement which is considered to be suitable as this will be a low speed, low traffic environment;
- * The proposed visibility splays, taken from a setback of 2.4m, are acceptable.

- * The site is within 400m of a bus stop with frequent services to Littlehampton centre and where trains are available for an onward journey;
- * In terms of accessing the site, the wide roads and low speeds enables cycling to be a viable alternative for shorter journeys. An off-road cycle route exists directly to the north of the site and it is understood the applicant intends to put a direct access to this route from the development;
- * Considered against the WSCC Parking Demand Calculator, the developments parking allocation is considered acceptable. Visitor parking would be short term and unlikely to generate any significant highway safety issue, therefore an objection on the basis of a short falling on parking would not be raised; and
- * Refuse collection will take place from within the site. The Technical Plan shows a swept path analysis showing how a larger vehicle including a refuse vehicle can safely turn within the site.

No Objection is raised to the proposed application from the Highway Point of view subject to the following conditions (Access Road, Parking, Cycle Parking, Wheel Washing and a Construction Management Plan)"

ADC Environmental Health (Contamination) - "Please apply condition ENV5 to approval to these applications. We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application."

ADC Environmental Health (Pollution) - "Environmental Health has no objection in principal to the above applications. However, please place the following conditions on each application." The conditions relate to external lighting and protecting the dwellings from A259 road noise.

ADC Tree Officer - "If all the actions are implemented from Root Protection Plan and Tree Survey Schedule, I see no issue with the current schedule of works and would therefore be happy to allow the proposed works to take place, as reasonable measures have been implemented to protect the outlined trees that are to be retained. I also agree with the analysis that T-2 should be remove based on its arboricultural merit." Request a condition on the supervision of mitigation works.

ADC Housing Strategy & Enabling Manager - Supports the application. Selected comments as follows:

"Unusually this application of four dwellings will provide 100% affordable housing which is most welcome. The tenure mix will be for 4 dwellings for social rent which is a tenure that has proven very difficult to deliver over the past few years. This application will provide homes that will actually be affordable to tenants and is most welcome. (In respect of housing need) There are currently 263 households on the Council's housing register who have selected Littlehampton as their first choice area for housing within the Arun District. These households are in the following housing bands: Band A - 36; Band B - 47; and Band C - 180."

ADC Drainage Engineers - "Detailed drainage design must consider the groundwater monitoring and percolation testing results provided and submitted in the applications. It is noted that groundwater levels are unlikely to be a problem for shallow infiltration systems. Soil infiltration potential varies across the site and at different depths. Soakaways should be designed in close proximity to where the most favourable results were obtained. If a soakaway is proposed at a

location that is not close to any of the testing locations, further testing should be undertaken to ensure the effectiveness of the proposed soakaway. The surface water drainage system should store the 1 in 100 year storm event plus 30%. Soakaways should have a half drain time of 24 hours or less. Please apply condition ENGD2A to these applications."

ADC Parks & Landscapes - "The detail submitted within this application gives effective tree schedule detail along with root protection details that conform to BS5837:2012 Trees in relation to design, demolition and construction recommendations. The application indicates landscape mitigation works, new tree planting and improvements to open space areas (new planting proposed by others), this however is not given in any detail. We would need the submission to include a landscape layout which would need to detail hard and soft landscaping showing in plan form the proposed planting details. The detail would need to be in plan form detailing species choice, planting densities and size at time of planting. We would recommend that this information is submitted and approved prior to any decision being made on this application."

ADC Building Control - "The development will require Building Regulation Approval with any Surface Water Drainage proposals in the form of Soakaways to be in accordance with Approved Document H and BRE Digest 365."

Comments on Consultation responses:

Comments noted. All of the requested conditions are recommended. Regarding the request by ADC Drainage Engineers, it was agreed that given the winter testing already undertaken by the applicants, that this part of the condition could be omitted. Regarding the request from Landscapes to provide landscaping scheme details up front, it has been decided to recommend this as a condition instead.

In respect of the conditions proposed by the Highway Authority, it is noted that three more (access, wheel washing and construction management plan) are proposed than with regard to the other 4 applications. However, given that this is the larger scheme, it is considered that these extra conditions are appropriate to this application and this application only.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Public Sewer on Site.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN29	Nature and Conservation Across the District
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN18	Crime Prevention
	GEN32	Noise Pollution
	GEN33	Light Pollution

Publication Version of the Local
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards

Plan (October 2014):

D DM3 External Space Standards
D DM4 Extensions and Alterations to Existing Buildings
(residential and non-residential)
D SP1 Design
ECC SP2 Energy and Climate Change Mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
H DM1 Housing Mix
H SP2 Affordable Housing
QE DM1 Noise Pollution
QE DM2 Light Pollution
QE DM4 Contaminated Land
SD SP2 Built-Up Area Boundary
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Felpham.

There is a referendum set for the Littlehampton Neighbourhood Plan on the 15th October 2014. Should there be a majority vote for the Plan then the relevant policies will be reported to the Committee as an update.

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

PROPOSAL & PRINCIPLE:

The site is within the built up area boundary where development is acceptable in principle subject to normal development control criteria being satisfied such as visual/residential amenity and impact on the local highway network.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF):

One of the NPPF's core principles in paragraph 17 is the need to support sustainable economic development in order to deliver the homes that the country needs. Another principle requires that Local Planning Authorities seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In addition, paragraph 50 states that a wide choice of high quality homes to create sustainable, mixed communities should be encouraged.

DESIGN, CHARACTER & RESIDENTIAL AMENITY:

All of the five proposed residential developments on the Wick Estate have been subject to a number of pre-application revisions since the idea of building new council houses was first proposed. In particular, regard was had to reducing the density of the scheme and to protecting the amenity of neighbouring properties (for example by having regard to a 45 degree angle drawn from the rear windows of no. 68 Greenfields). Given the gaps to nearby properties and the lack of

first floor flank windows, where these would look out over neighbouring gardens, it is considered that the development will not result in any overlooking or loss of light. Furthermore, the scheme has been designed to be in character with the surrounding dwellings by proposing similarly sized buildings, maintaining the two storey nature of the area and placing the dwellings in terraces. It is considered that the proposal complies with Policy GEN7 and its equivalent in the emerging Local Plan.

Concerns have been raised as to the orientation of some of the dwellings onto the 'dog walk'. Although this will mean that some residents will have to walk further from their car, it will also greatly improve the security of this path by introducing natural surveillance from the new houses. The existing car park will also benefit from increased natural surveillance as a result of the new dwellings.

IMPACT ON THE HIGHWAY:

It is clear from the consultation section above that WSCC Highways raise no objection to the proposal. They consider that the access and turning arrangements are acceptable and that the proposal includes sufficient parking to not only serve the development but also the existing residential properties (particularly with regard to the two new parking bays on Greenfields). Although residents will experience change to their parking arrangements in that they may have to walk slightly further to park their cars, it is not considered that this change will be detrimental to their amenity. Furthermore, it should be noted that the parking courts are private council property and that in many cases, those who park there on the estate do so without formal council permission (although there is no proposal to restrict parking to non council tenants).

INTERNAL & EXTERNAL SPACE STANDARDS (Policies D DM2 & D DM3)

All of the policies of the emerging Local Plan have been approved for development management purposes and these include two policies which seek to ensure that future residential occupants are provided with a satisfactory amount of indoor living and outdoor garden space. Following a thorough analysis of the proposal versus the internal and external space standards policies, it is considered that:

* 100% of the 8 dwellings comply with D DM2. The required general internal area standard in respect of 2 storey, 2 bedroom, 4 person dwellings is 83m². All of the houses include an internal floor area of 84.8m².

* 100% of the 8 dwellings comply with D DM3 in respect of the area of private rear garden. The requirement for 2 bedroom terraced dwellings is 50m². Three of the dwellings only exceed this by 2 or 3 square metres but in other cases the difference is 6, 15 and 70 square metres.

* 50% of the 8 houses comply with D DM3 in respect of the required 10m depth of rear garden. All of the east facing houses have gardens of 10m in depth. Plots 1 and 2 have depths of only 9.5, whilst plots 3 and 4 have a depth of 8m (although the garden to plot 4 is 10m wide).

It is considered that on balance and having regard to the adjacent 'dog walk' footpath and existing areas of open space within the estate that the proposal is compliant with policies D DM2 and D DM3.

LOSS OF OPEN SPACE:

The area of the site which is grassed is not designated in either the adopted or emerging Local Plans as formal public open space. Furthermore, it was clear from the site visit that sports are not permitted on the area and that there are litter issues. Although, it is acknowledged that it does serve a purpose in that it provides a relief to the otherwise urban nature of the surrounding houses, it is considered that the need for affordable council housing outweighs the benefits of retaining this area of open space. Furthermore, there is a grassed, landscaped area to the north and part of the proposal will facilitate better access to this footpath (where it is currently fenced off).

AFFORDABLE HOUSING:

Although the application proposes a number of residential dwellings, it is not accompanied by a Section 106 Agreement. This is because the proposed homes are to be 100% affordable rented housing and will be managed by Arun District Council and let to local people in housing need. There is therefore no requirement for a S.106. In addition, the Council's Housing department will also be making a standalone payment to the Parks and Greenspaces department in lieu of a S.106 contribution on public open space/children's play.

SUMMARY:

The numerous objections to this application have been acknowledged and addressed. It is not considered that the proposals are out of character with the surrounding area or that there will be any significant adverse amenity issues. In addition, it is clear that the proposals have been developed with a clear regard to maintaining sufficient local parking and that WSCC raise no objections to the application. Overall, regard should be had to the clear and demonstrable need for these new affordable housing units and the benefits that the proposal will bring in respect of improving the appearance of the site. It is therefore recommended that permission be granted subject to the following conditions.

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 permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

EXISTING TOPOGRAPHICAL SURVEY - Ref 13077-02-T-E-4;
TECHNICAL PLAN - Ref 13-076-PL24 Rev A;
PROPOSED PLANS AND ELEVATIONS BLOCK A - Ref 13-076-PL22 Rev A;
PROPOSED PLANS AND ELEVATIONS BLOCK B - Ref 13-076-PL23 Rev A;
PROPOSED SITE SECTION - Ref 13-076-PL21 Rev A; and
SITE LOCATION PLAN AND PROPOSED SITE PLAN - Ref 13-076-PL20 Rev A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall take place until details of any new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with either them or the adjacent car park them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning

Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No construction works shall be carried out unless and until the proposed root protection areas have been established and the Local Authority contacted in order that an inspection of the mitigation measures can take place. No construction works shall be carried out until the Local Authority Arboriculturist has been to the site to check that the mitigation measures are in accordance with the submitted arboricultural report.

Reason: In order to ensure that trees are protected in the interests of amenity and in accordance with Local Plan Policy GEN7.

- 8 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 9 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 & GEN33.

- 10 None of the dwellings hereby approved shall be occupied until the parking spaces/turning facilities shown on the submitted plans (Refs 13-076-PL03 Rev A & 13-076-PL02 Rev A) have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking or turning of vehicles.

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

- 11 No part of the development shall be first occupied until covered & secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The cycle spaces shall then be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.

- 12 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with the National Planning Policy Framework and Policy GEN7 of the Arun District Local Plan.

- 13 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- The method of access by construction vehicles during construction
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the recycling, removal and disposal of waste materials including an agreed traffic route for the waste vehicles,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the erection of site offices and ancillary buildings, the provision of wheel washing facilities,
- the measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security.

Reason: In the interests of highway safety and the amenities of the area and in accordance with the National Planning Policy Framework and Policy GEN7 of the Arun District Local Plan.

- 14 No development shall be carried out on the site unless and until an effective vehicle wheelcleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of

work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework and Policy GEN7 of the Arun District Local Plan.

- 15 Development shall not begin until a scheme for protecting the proposed dwellings from noise from the road traffic on the A259 adjacent to the proposed development has been submitted in writing and approved by the Local Planning Authority. This scheme should include details and location of the acoustic fencing to protect amenity spaces, and also window specification and ventilation requirements for all dwellings. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Authority.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of any of the dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 17 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the houses 3 and 5 shall be constructed or buildings shall be erected within the curtilage of those two houses 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.

- 18 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 19 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 20 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 21 INFORMATIVE: All works to trees are to comply with BS5837:2012 "Trees in relation to design, demolition and construction" (Recommendations).
- 22 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.