

Recommendation Report for Planning Permission

REF NO: LU/239/15/PL

LOCATION: Willowbank Cottages
The Poplars
Littlehampton

PROPOSAL: One pair of semi-detached houses & garages (Plots 5 and 6), together with relocation of garage to Plot 4 of previously permitted development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is being reported to Committee given the likelihood of there being more than 5 objections from neighbours and therefore in order to endeavour to ensure a decision is issued within the 8 week statutory period.

Members may recall that a recent application (LU/106/15/PL) was refused due to a Southern Water (SW) objection relating to proximity of development to the pumping station as no habitable rooms should be located closer than 15m to the boundary with the pumping station in order to avoid vibration, noise and odour generated by sewage pumping.

The current application is for 2 of the plots (5 and 6) previously applied for under LU/106/15/PL and a repositioning of the garage serving plot 4. The remaining plots 1 to 4 are to be developed in accordance with planning permission number LU/125/14/PL and these 4 plots have been commenced on site.

The proposal seeks to revise the location of plots 5 and 6 in the same manner as applied for under LU/106/15/PL. The scope and content of the development still remains the same as that previously approved. On the approved site layout under LU/125/14/PL (drawing 023 001 100C), these 2 dwellings are shown with their front elevations orientated towards the south and with their garages on the east side of plot 6. The applicant advises that it has since become clear that the location of sewer and water supply pipes passing

through the site, and the easement relating to these, is not as previously assumed. As a result, it is necessary for the siting of the houses at Plots 5 and 6 to be revised to reflect the actual alignment of the pipes, so as not to interfere with these. It is now proposed that the alignment of this pair of dwellings be rotated through approximately 80 degrees in an anticlockwise direction. Their garages will be located on either side of the semi-detached pair rather than both on the same side. This means that the layout of the development will be completely linear.

The revision to the garage serving plot 4 sets it approximately 1.2m back along the side of that dwelling, rather than having its front in line with the front of the main dwelling.

LU/106/15/PL is the subject of an Appeal against the refusal of planning permission.

SITE AREA

The site area is approximately 0.088 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

The site is located in an area of medium to high density housing.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance 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. The foundations and concrete floor for plots 1 to 4 are complete. These plots adjoin the 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 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 Conditionally 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 Conditionally 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 Conditionally 04-08-2005
LU/306/11/	7 no. residential units with associated garages, parking & access	Refused 01-02-2012
LU/182/12/	Outline application for 7 residential units with associated garages, parking and access	Refused 11-09-2012 <i>Appealed</i> Appeal: Dismissed 18 02 2013
LU/203/13/	Application for Outline Planning Permission with Some Matters Reserved for 6 No residential units with associated garages, parking and access (resubmission following LU/182/12/).	Approved Cond + S106 04-11-2013

LU/125/14/PL	Application for a Variation of Condition 3 following a grant of Planning Permission LU/203/13 to alter the list of approved drawings comprising relocation of 2No. garages forming part of the approved development, together with minor consequential amendments.	Approved Cond + S106 26-06-2014	
LU/117/14/RES	Application for approval of reserved matters following a grant of outling planning permission LU/203/13/ for landscaping.	ApproveConditionally 27-06-2014	
LU/259/14/DOC	Application for approval of details reserved by conditions 4 (materials), 5 (surface water drainage), 9 (play area improvement) and 10 (acoustic barrier) following a grant of planning permission LU/203/13/.	DOC Approved 01-09-2014	
LU/106/15/PL	Variation of condition 3 imposed under planning reference LU/203/13/ to enable the reorientation of plots 5 & 6.	Refused 16-07-2015	<i>Appealed</i>

See Description of Application.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

At the time of writing 5 letters of objection had been received on the following grounds:

1. This site is already part of a plan under appeal. The ethics behind this application are questionable as do Hargreaves plan to continue with the current site which has proven unfit for residential dwellings due to proximity to pumping station. Regardless of this these proposed properties will completely eliminate views of the south downs which has already significantly reduced due to other development upon land which was believed to be protected.

2. The proposed plans will result in overlooking and reduced privacy of existing properties and current site has already disrupted established wildlife. A number of newts in have been noted in gardens this year which can only be assumed to have relocated from the undeveloped area bats have been seen on more than one occasion apparently looking for a new nesting spot.

3. the development will result in loss of light to adjoining occupiers.

4. There is no public benefit to building on this land only detriment. The potential residents will be subject both to traffic and pump noise pollution/vibration. The Council is urged to refuse

planning permission and retain the land as part of the open space.

5. The 15 meters of space required between the pump station and the plots 1-4 is already a concern and the re-location of plots 5 & 6 to their new positions now cause concern that they are directly overlooking the properties of the existing properties in the new Poplars development, this is not to mention the already over populated amount of cars and vans on the estate. By adding another 6 houses with limited parking spaces will only compound the issue.

6. The sewage station has blocked on a number of occasions over the last 9 years and as such the location of the proposed plots will be unsafe and unhygienic.

7. The development will cause additional parking problems in an already congested estate.

8. The in the past landscaping has not been carried out as shown on approved schemes for other development nearby.

Any further representations received will be reported to the Committee.

Comments on Representations received:

The current application proposes a revision to 2 of the 6 previously approved dwellings at this site. The result will be dwellings with rear elevations facing the A259 and front elevations facing towards the rear of existing dwellings, with intervening access road and some landscaping on the boundary. Separation distances are dealt with in the Conclusions section of this report.

No ecological issues have previously been identified in respect of the development, including within the most recent application LU/106/15/PL. The Biodiversity checklist for the current application identifies no ecological potential.

The issue of landscaping not being carried out elsewhere is not material to this application.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Environment Agency
WSCC Strategic Planning
Environmental Health
Parks and Landscapes

Consultations responses received:

The comments of Southern Water are awaited at the time of writing.

The Environment Agency raises no objection and comments regarding pollution control and watercourses. These comments can be dealt with by informatives.

Environmental Health raises no objections and makes no comment.

Parks and Green Spaces wishers to make no comments and does not object.

WSCC Highways raises no objections and comments:

The proposal is for the change of the layout of 2 of the previously approved 6 dwellings. As the number of proposed parking spaces, and the ability for vehicles to enter, manoeuvre and exit the site in a forward gear remains, there are no concerns raised over a detriment arising from the proposed changes.

Conditions imposed under LU/203/13 should be carried over to this proposal where applicable.

The Councils Drainage and Coastal Engineer has commented that a condition in respect of surface water drainage is recommended so that a suitable drainage scheme equivalent to the approved one is applied to the new layout. If the impermeable area has increased, the storage should be increased accordingly so that the 1 in 100 year storm event plus 30% is stored without causing flooding.

Comments on Consultation responses:

The comments of consultees can be addressed by planning conditions and informatives.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>GEN32</u>	Noise Pollution
Publication Version of the Local Plan (October 2014):		SD SP2 Built-Up Area Boundary
		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		OSR DM1 Open Space, Sport and Recreation
		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 22		Design of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

The proposal is generally in accord with policies in the Littlehampton Neighbourhood Plan.

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

BACKGROUND

The principle of development has been previously established as being acceptable. A previously refused schemes (LU/182/12) was the subject of a dismissed appeal. The Inspector did not uphold the Councils refusal reason relating to development on public open space and only upheld the reason for refusal based on impact upon neighbouring amenity in dismissing the appeal. The inspector did not consider that loss of open space was unacceptable given the quality and quantity of existing provision available within the locality together with the area retained on the site.

LU/203/13/ was then submitted and was considered to satisfactorily address amenity issues. Planning permission was therefore granted.

The most recent previous application LU/106/15/PL, which included all 6 plots, was refused due to a Southern Water objection on the following grounds. Southern Water raised an objection on the grounds that plots 1 to 3 are within 15m of the pumping station and in their view would be unacceptably affected by potential odour, vibration and noise. There was no objection to plots 5 and 6 which are the subject of this application.

In light of this the applicants have decided to build plots 1 to 4 as per the extant scheme and this application seeks to amend the garage to plot 4 and the siting/orientation of plots 5 and 6.

KEY ISSUE

The principle of development of this site has been previously established and permission granted.

This application relates to dwellings at plots 5 and 6 and the garage to plot 4. The key issue in this application is the impact of the proposed revision on the amenity of surrounding occupiers.

The layout proposed results in separation distances for the 2 plots to be relocated being at the closest 15m from proposed side to rear of existing dwellings. This distance rises to up to 20m side to rear. The main front of the relocated dwellings would be between 17m and 21m from the rear of existing dwellings. These relationships are considered to be acceptable and provide for satisfactory separation. In addition, the relocated dwellings would have no side windows. The proposed dwellings would not be unduly close to existing ones and unlikely to result in amenity loss/harm such that planning permission ought to be reasonably withheld. The relocation of the garage at plot 4 will have minimal impact and not impact on the amenity of existing occupiers.

GENERAL

In terms of open space, the area of land to be retained as open space is slightly greater and there could therefore be no objection given this. Parking remains satisfactory. The Planning Obligation remains in place and a Deed of Variation also. The present proposals for these 2 plots do not result in revisions to the scheme such that a further Deed of Variation is required.

CONCLUSIONS

The revised proposals are consistent with policies relating to development in the built up area. The proposals do not result in appreciable loss of amenity when considered against the previous scheme. It is therefore recommended that planning 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 for 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

In assessing this proposal Neutral 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).

SECTION 106 DETAILS

A planning obligation dated 9th May 2014 was previously executed in connection with LU/125/14/PL. A Deed of Variation has previously been completed in order that previous obligations would also relate to the application LU/106/15/PL.

The obligation secures 2 matters:

1. The payment of an affordable housing contribution.
2. To retain land (the "Pink" land) as open space for the benefit of the occupants of the residential properties at The Poplars.

The present proposals for these 2 plots do not result in revisions to the scheme such that a further Deed of Variation is required.

The Open Space is secured by the planning obligation under LU/125/14/PL under which plots 1 to 4 have been commenced and will be completed. The Open Space requirement remains the same for the revision now proposed to plots 4, 5 and 6.

The affordable housing contribution remains the same and has already been paid to the Council.

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 drawings:

Drawing Number 023-001/L01/C - Location Plan - Dated 17.03.15

Drawing Number 023 001/100/F - Site Layout Plan - Dated 27.07.15

Drawing Number 023 001/200/E - Ground & First Floor Plans Showing Re-Sited Garage to Plot 4 - Dated 27.07.15

Drawing Number 023 001/201/E - Second Floor & Roof Plans Showing Re-Sited Garage to Plot 4 - Dated 27.07.15

Drawing Number 023 001/202/E - Ground & First Floor Plans - Dated 08.04.15

Drawing Number 023 001/203/D - Second Floor & Roof Plans - Dated 08.04.15

Drawing Number 023 001/300/D - East & West Elevations Showing Re-Sited Garage to Plot 4 - Dated 27.07.15

Drawing Number 023 001/301/D - End Elevation Showing Re-Sited Garage to Plot 4 - Dated 27.07.15

Drawing Number 023 001/302/D - Elevations Plots 5 & 6 - Dated 16.03.14

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

- 3 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) 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 Adopted Arun District Local Plan.

- 4 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

- 5 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety

- 6 No windows shall be constructed in the north west side elevations of Plot 6 hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining occupiers in accordance with policy GEN7 of the Adopted Arun District Local Plan.

- 7 Hard and soft landscaping shall be carried out in accordance with the details shown on

the approved drawing number 023 001/100/F - Site Layout Plan - Dated 27.07.15. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 Adopted Arun District Local Plan.

- 8 The dwellings shall not be occupied until the fencing and waste storage facilities indicated on approved drawing number 023 001/100/F - Site Layout Plan - Dated 27.07.15 have been provided in accordance with the details so approved.

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

- 9 No development shall be carried out unless and until a schedule of materials and finishes, and where required samples, to be used for external walls and roofs of the proposed development has been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Adopted Arun District Local Plan.

- 10 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.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 11 **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 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.

- 12 INFORMATIVE: The Councils Drainage & coastal Engineer has advised that a suitable drainage scheme equivalent to the previously approved one is required for the new layout. If the impermeable area has increased, the storage should be increased accordingly so that the 1 in 100 year storm event plus 30% is stored without causing flooding. Condition number 10 refers.