LU/331/07

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Plots 341-348, 363 & 364 Eden Park substitution of approved house types to applicants preferred design/house types Former Toddington Nurseries, Worthing Road (Site 7)

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	N/A
SITE AREA	Approx., 1750 sq. m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approx. 57 dwellings per hectare
TOPOGRAPHY	Predominately flat
TREES	None
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Development brief Site 7 allocated for housing within the Local Plan, formerly nursery land.
CHARACTER OF LOCALITY	Residential. Surrounding area comprises a mixture of predominantly 2-storeys terraced, semi-detached and detached properties. Immediately adjoining site to Site 7 proper nursery haulage "Lyons" site which is also allocated for housing within the Local Plan. To the northeast and east of the site is the Bodyshop factory, units and crèche

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
LU/45/06	Closure of existing Toddington Lane Junction with A259 Worthing Road ii) construction of new priority junction with A259 Worthing Road including single lane duelling of section A259 Worthing Road (iii) construction of link road connecting existing Toddington Lane with new access road (iv) a widening of A259 Worthing Road entry onto Watersmead Roundabout and spiral road markings (v) provision of Toucan across A259 Worthing Road immediately west of site (vi) provision of new vehicular and pedestrian access to the northwest of the site from Toddington Lane.	Approved Conditionally 22/06/06

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
LU/61/06	Residential development for 393 dwellings (including affordable housing) various houses/flat types; public open space including LAP's and a LEAP; access parking and servicing arrangements; and associated landscaping.	Refused 31/07/06 Appeal allowed 04/07/06
LU/70/07	Units 51-58, 284 & 289 substitution of approved house types to applicants preferred design/house types	Approved Conditionally 18th June 2007
LU/71/07	Units 51-58, 284 and 289. Substitution of approved house types to applicant's preferred design/house types.	Approved Conditionally 18th June 2007
LU/72/07	Units 126-146 (block D) substitution of approved block of flats to developers preferred design/arrangement – number of units and bedrooms unchanged.	Approved Conditionally 18th June 2007
LU/74/07	Plots 116-124 to include garage only to Plot 125 – substitution of approved house type to applicants preferred design/house types including relocation of garages.	Approved Conditionally 18th June 2007
LU/180/07	Redesign of Apartment F – Plots 29-42 to that of approved under planning consent LU/61/06	Approved Conditionally 11th July 2007
LU/330/07	Plots 88-102 Eden Park – substitution of approved house type to applicants preferred design/house type.	Current

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Littlehampton Town Council	No objections
Local Groups	None
Other	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
~~Conservation Officer~~	~~No objections in principle~~.

None

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POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1, LOC1
Arun District Local Plan : GEN7, SITE 7

PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
PPS 3 - Housing

POLICY COMMENTARY

The above policies combine to describe the relevant control criteria against which this application will be determined in particular with regard to visual amenities.

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

Noted.

ASSESSMENT OF PROPOSAL

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 the proposal is considered to comply with relevant Development Plan policies in that the house types will be acceptable in this location and contributes to the visual amenities of the site as a whole.

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

This application relates to changes to house design on plots as specified. The designs are considered to be acceptable within the new approved housing allocation and some of the plots also offer the provision of conservatories.

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CONCLUSIONS

The houses will not result in any demonstrable overlooking, overshadowing, etc., than those previously approved and indeed are of the same orientation then those approved.

It is therefore recommended that the application be approved subject to the conditions set out overleaf.

TOWN AND COUNTRY PLANNING ACT 1990

RECOMMENDATION

Application Ref: LU/331/07/

1 **To Addressee**

2 **Site Address**

Former Toddington Nurseries
Worthing Road
Littlehampton

3 **Description of Development**

Plots 341- 348, 363 and 364 Eden Park - substitution of approved house types to applicants prefered design / house type.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

CONDITION 1 The development hereby permitted shall begin before the expiration of three years from the date of this decision.

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

CONDITION 2 This permission relates to the plans as submitted for LU/331/07 together with the following drawings: TLL 001 Rev X; 450-461; 150-159; D1343.L.100C, 110C, 120D and 130D; TLL100; 101A; and 201A; 103 and 203; 105A and 205A; 106A and 206A; 107 and 207; 108-110 and 208-210; 111A-113A and 211A-213A; 114-115 and 214-215; 116A and 216A; 117-119 and 217-219; 120A and 220A; 170; 270; 271; 250-253; 254A-255A; 256-257; 258B; and 259 on LU/61/06.

Reason: For the avoidance of doubt.

CONDITION 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 and ground/hard surface treatments 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 interest of amenity and by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 4 No development shall take place until details of all screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected. Thereafter no fence, wall or other means of enclosure shall be erected forward on any building fronting onto a highway, footpath, courtyard or open space, without the prior written approval of the Local Planning Authority. This condition shall apply notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any Order revoking or re-enacting that Order.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 5 No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority, including a development programme which shall set out a timetable for the provision of each of these on-site:-

(a) the provision and making available for occupation of affordable housing units as part of a programme for the overall housing development at the site,

(b) the detailed design of ponds, including safety provision and ecological enhancement including subsequent management and maintenance, and arrangements for making the ponds available for use,

(c) the detailed design of the Sustainable Drainage Scheme including levels, sections, profiles, capacity, details of its operation, construction and subsequent management and maintenance,

(d) the arrangements for disposal of foul water drainage from the development,

(e) details of play areas and open spaces including equipment and safety provisions and subsequent management and maintenance, and arrangements for making these available for use on a phased basis,

(f) details including the location of signs and their maintenance, which are to be erected during the course of develoopment of the site to show the position of each play area, including the period during which each sign is to be retained and maintained,

(g) details of the surfacing, lighting and signage of all footpaths and cycle routes on the site, and arrangements for making these available for use,

(h) details of recycling facilities, and arrangements for making these available for use,

(i) details of crime reduction measures to be used to ensure that the development adheres to 'Secured by Design,'

(j) the siting of any developer storage compound(s), including measures to be taken to minimise the visual impact, pollution, noise and light polution and including a stated date for removal,

(k) existing and proposed site levels (including levels taken from adjoining land outside the site), and the slab levels of each building,

(l) measures to be taken to minimise light pollution during the course of development,

(m) amended elevation drawings of Block A to reflect Site Plan TLL-001, Revision X,

(n) a wildlife/reptile mitigation strategy, including any physical works or arrangements for ongoing maintenance or management.

Development shall only proceed in strict accordance with these details and provision shall be made on-site in accordance with the timetable and arrangements for making the facilities available for use as approved, unless the Local Planning Authority gives prior written approval for any variation.

Reason: In the interests of amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 6 There shall be no alteration of raising of ground of slab levels without the prior written approval of the Local Planning Authority and the development shall proceed only in accordance with the details of levels as approved under condition 5 of this notice of permission.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 7 No work for the carrying out of the development hereby permitted shall be undertaken on the site on any Sunday, bank or public holidays or at any other time except between the hours of 0730 and 1800 Mondays - Fridays and 0800 and 1330 on Saturdays.

Reason: To safeguard the amenities of the neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 8 Prior to the commencement of development details of noise attenuation measures shall be provided to and approved in writing by the Local Planning Authority. This shall include the following:-

(a) a phasing plan to show the order in which dwellings are to be constructed and occupied relative to the timing of the provision of the noise attenuation measures,

(b) detailed drawings of any noise barrier/acoustic fencing including its position, height, extent, design, appearance, specifications and acoustic performance,

(c) acoustic glazing and ventilation which shall be installed in dwellings which are to be identified in the phasing plan.

The development shall proceed only in accordance with the details and phasing plan thus approved and no dwelling subject of the phasing plan shall be occupied until the noise attenuation measures approved for that phase have been fully implemented, unless the Local Planning Authority gives prior written approval for any variation.

Reason: To safeguard the amenities of the neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 9 The noise attenuation measures approved under condition 8 of this permission shall be implemented and thereafter retained in a good state of repair unless the Local Planing Authoirty provides prior written approval for any variation.

Reason: To safeguard the amenities of the neighbouring properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 10 No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological interest in accordance with policies CH7 of the West Sussex Structure Plan and AREA17 of the Arun District Local Plan.

CONDITION 11 A minimum of 14 days written notice of the commencement date of development, by carrying out a specified operation, shall be given to the Local Planning Authority.

Reason: In the interests of the develoment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 12 No dwellings shall be occupied on the site until the access roads within the development have been constructed in accordance with the approved plans. The accesses from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with the approved plans unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of road safety in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 13 The development hereby permitted shall not commence until details have been submitted to and approved in writing by the Local Planning Authority of measures to prevent surface water discharging onto the highway. Development shall be carried out in accordance with the approved scheme of details.

Reason: In the interests of road safety in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 14 No dwelling shall be occupied until vehicular and pedestrian access therefrom to the road network, the parking spaces, turning facilities and garages serving it have been constructed and provided. Details of which parking spaces and turning facilities serve individual dwellings shall first be submitted to and approved in writing by the Local Planning Authoirty. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 15 No construction work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 16 Prior to the commencement of development, a plan shall be submitted to and approved in writing by the Local Plannning Authority, to show the provision of a lay-by for a mobile library, this shall include arrangements for ensuring that the lay-by is kept permanently available for the parking and use of the mobile library. The development shall proceed in accordance with the details thus approved.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, the details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 18 All planting, seeding or turfing comprised in the approved details of landscaping 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 approval to any variation.

Reason: In the interests of the amenities of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 19 No development shall take place on the site unless and until all existing trees to be retained have been protected by means of a fencing to be erected in accordance with BS5837 : 'Trees in relation to construction'. No hard surfacing or changes in ground level shall take place within the fenced areas unless the Local Planning Authority gives its prior written consent.

Reason: In the interest of amenity in accordance with polcies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 20 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and the environment of the locality when the site is developed. Development shall not begin until the measures approved in the scheme have been implemented.

Reason: To ensure that the development complies with approved details in the interests of the protection of the environment and prevention of harm to human health in accordance with policies DEV1 of the West Sussex Structure Plan, GEN7 of the Arun District LocalPlan and PPS23.

CONDITION 21 None of the dwellings shall be occupied until the surface water drainage works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies DEV1 of the West Sussex Stucture Plan and GEN7, GEN9 of the Arun District Local Plan.

CONDITION 22 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings susceptible to contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. On-going maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.

Reason: To ensure that the development is satisfactorily drained in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, GEN9 of the Arun District Local Plan.

CONDITION 23 Any facilities for the storage of oils, fuels or chemicals during the duration of construction works shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank of the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and sight glasses shall be located above within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Any associated pipe work shall be located above ground and protected form accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: In order to prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and

GEN7 of the Arun District Local Plan.

CONDITION 24 Notwithstanding the provisions of the Town and Country Planning Act 1990 as amended, or the Town and Country Planning (General Permitted Development) Order 1995, as amended, to any Order revoking or re-enacting that Order, there shall be no additional window or other opening at first floor level or above, in the specified elevations of the dwellings at the following plots, which are shown on the Proposed Site Plan drawing number TLL-001, Revision X on LU/61/06;

Plot No.	Elevation
06	East
09	West
017	East
022	East
059	South
060	West
063	North
064	South
075	East
091	North
230	East
233	North
235	South
248	West
356	West
361	East
364	North West
374	South

Furthermore, any windows at first floor level or above which are shown in the elevation drawings of any of these buildings at first floor level or above, shall be permanently glazed with uncoloured obscure glass and fixed and unopenable to a height of not less than 1.7m above internal floor level.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 25 Notwithstanding the provision of the Town and Country planning Act 1990 as amended, or the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any Order revoking or re-enacting that Order, there shall be no additional window or other opening at first floor level or above, in the southern elevations of specified elevations of the dwellings at plots 059-062 which are shown on the Proposed Site Plan drawing number TLL-001, Revision X on LU/61/06.

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Aurn District Local Plan.

CONDITION 26 Notwithstanding the provisions of the Town and Country Planning Act 1990 as amended, or Class E of Part One of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any Order revoking or re-enacting that Order, other than shown on the plans hereby approved, no building or enclosure shall be erected in the rear gardens of the dwellings at the following plots; 01, 03, 04-012, 072, 073, 083, 090, 102, 106, 109, 241, 254, 262,2 69, 276, 283, 284, 334, 348, 382-388 and 392 which are shown on the Proposed Site Plan drawing number TLL-001, Revision X on LU/61/06/

Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 27 The windows on the second floor side elevations of plots 342, 343, 344, 345, 346, 347, 363, 364 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1

LOCAL PLAN: GEN7

NATIONAL POLICIES: PPS1, PPS23

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Case Officer: Ms E E Hearsey