

Recommendation Report for Planning Permission

REF NO: LU/356/16/DOC

LOCATION: Land north of 31-40 Joyce Close, Littlehampton

PROPOSAL: Application for approval of matters reserved by condition imposed under LU/221/14/PL relating to condition no. 3 (Schedule of materials & samples), 4 (new screen walls /fences), 5 (surface water drainage), 6 (landscaping scheme), 10 (cycle parking spaces) & 11 (scheme for protecting the proposed dwellings from noise from road traffic noise)

DESCRIPTION OF APPLICATION

Details submitted for the discharge of conditions for application LU/221/14/PL:-

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.

10) 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.

11) 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.

The original application (LU/221/14/PL) approved is for:-

Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for erection of 4No houses and associated parking, hard and soft landscaping, on an existing parking court.

SITE AREA

0.23 hectares.

TOPOGRAPHY

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

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 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

SUMMARY OF REPS RECEIVED

None

OFFICERS COMMENTS ON REPS

N/A

SUMMARY OF CONSULTATIONS RESPONSES

Greenspace

Further to submission of VDW 'planting drawing' dated Nov 2016, we can confirm that the information supplied does propose a well thought out and comprehensive scheme which is fitting for location and therefore we would recommend the discharge of Condition 6 Landscaping scheme reserved under planning approval LU/221/14/PL on this application LU/356/16/DOC.

Engineers (Drainage)

Surface water drainage design for all attached applications is satisfactory, surface water drainage condition may be discharged on each (LU/354/16/DOC, LU/355/16/DOC, LU/356/16/DOC, LU/358/16/DOC and LU/361/16/DOC).

WSCC Strategic Planning Team (Highways)

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

West Sussex County Council, as the Local Highway Authority (LHA), have been consulted on the discharge of conditions secured on approval LU/221/14 (4 x houses). Condition 10 relates to storage of bicycles. The plans and documents indicate sufficient bicycle storage for the proposed development in line with WSCC parking guidance. The plans and details pertaining to this condition are acceptable.

Environmental Health

Original comments made on the 6th February 2017 are available in full from the Arun District Council website. Additional comments were made following the submission of additional information and are summarised below.

Comments dated 28.04.2017 - We have no objection to the fencing as long as this construction provides the equivalent acoustic remediation detailed in Ian Sharlands acoustic report April 2014. However no further detail/information has been provided. Previous comments from this department still apply and so we cannot to agree to discharge the other conditions.

Comments dated 30.06.2017 - I can confirm that the decentralised System 3 Ventilation System as proposed will be acceptable to this Department. This is insofar as it meets all requirements of the 'Ian Sharland Noise Assessment' dated 5th June 2017, paragraphs 5.4 – 5.10 and 1.6.

I therefore agree to discharge of Condition 11 in respect of Planning Application Number LU/356/16/DOC and Condition 12 in respect of Application Numbers LU/354/16/DOC, LU/355/16/DOC and LU/361/16/DOC and Condition 15 in respect of Planning Application Number LU/358/16/DOC.

I also refer to the amended Construction Management Plan (attached) and agree to discharge of Condition 13 (and Condition 14 wheel cleaning) in respect of Planning Application Number LU/354/16/DOC.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Built up area boundary

POLICY COMMENTARY

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

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton;

Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are considered to be no policies which are relevant to the determination of this application within the Littlehampton Neighbourhood Plan.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

DEV17	Affordable Housing
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
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
GEN29	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
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
NPPG National Planning Policy Guidance

DEVELOPMENT PLAN 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 submitted details in relation to conditions 3, 4, 5, 6, 11, 13, 14 and 15 are considered to be acceptable.

OTHER MATERIAL CONSIDERATIONS

It is not considered that there are significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

No objections have been raised by consultees in relation to the details submitted and it is considered that the details meet the aims of the conditions. Therefore, it is recommended that conditions 3, 4, 5, 6, 11, 13, 14 and 15 are recommended for discharge in so far as they relate to the submitted detail.

Details remain outstanding in relation to condition 12 and as such this condition has not been recommended for discharge at this time. However, if further information/consultation responses are received prior to committee and found to be acceptable then a report update will be prepared recommending this condition for approval. If this position has not been reached prior to committee then it is recommended that the final determination in relation to Condition 12 be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Committee.

HUMAN RIGHTS

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.

EQUALITIES

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

That the conditions LU/221/14/PL be discharged with the following wording:

Condition 3

The condition is discharged in so far as it relates to the materials specified on 'Materials Schedule – 16-065 ADC Sites'.

Condition 4

The condition is discharged in so far as it relates to fencing as specified on drawing 'Fencing Design – Elevations' submitted on the 24th November 2016.

Condition 5

The condition is discharged in so far as it relates to surface water drainage at the site in accordance with the details specified on drawing '*Drainage Layout Sheet 5 – dwg no. 1065 Rev 1*'.

Condition 6

The condition is discharged in so far as it relates to the details specified on '*Planting Layout – TND 26561-3*' dated November 2016.

Condition 10

The condition is discharged in so far as it relates to the details for the covered and secure cycle parking spaces as specified on '*Material Schedule ADC Sites 16-065*' submitted on 24th November 2016.

Condition 11

The condition is discharged in so far as it relates to the details for the acoustic fencing as specified on drawings '*Site 1 – 31-40 Joyce Close*' and '*RANS/Noisewall©/Timberpost/001*' insofar as it accords with '*Ian Sharlands acoustic report dated April 2014*'.

Condition 12

In relation to condition 12 it is recommended that either;

- i) The decision be made in accordance with the report update provided prior to committee, or;
- ii) In the absence of sufficient details being submitted in time for Committee that the decision on the discharge of condition 12 be delegated to the Group Head of Planning in association with the Chair and Vice Chair of Committee.