

Recommendation Report for Planning Permission

REF NO: LU/40/17/PL

LOCATION: Kingley Gate
Courtwick Lane
Littlehampton

PROPOSAL: Variation of condition 28 imposed under LU/355/10/ relating to occupation.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Variation of Condition 28 imposed under LU/355/10/ to increase the trigger for the occupation of dwellings from '500 dwellings' to '550 dwellings'; thereby providing the mixed use local facilities, for the residents of the approved development as required at an acceptable rate and still be some time before the entire development is fully occupied.

SITE AREA

The whole development site measures 33.6 hectares.

RESIDENTIAL DEVELOPMENT DENSITY(NET)

Residential densities vary from 20-25dph to 45-50dph across the site. The higher densities are confined to the central area of the site, with density reducing gradually towards the site's northern boundary. Overall, the net residential density is approximately 35 dpa.

TOPOGRAPHY

The site is predominantly flat. However, the land falls away by a significant degree to the western boundary of the site by approximately 4 metres.

TREES

None of any significance affected by the approved development.

Tree groups covered by Tree Preservation Order (TPO/LU/1/99) are located at the junction of New Courtwick Lane/Courtwick Lane and along the southern side of Courtwick Lane west of this junction.

BOUNDARY TREATMENT

The site boundaries are defined as follows:

- The south eastern boundary was formerly formed by a redundant nursery. This site previously had planning permission for employment uses.

- The northern boundary by a hedgerow, containing some trees and a notable tree group south of the farm, separating the site from Brook Barn Farm and adjacent small fields and the West Coastway railway line and Littlehampton branch.
- A belt of newly established planting on the north eastern boundary that forms the boundary with an area of open space provided as part of the adjoining residential development.
- Along the southern boundary, a post and rail fence and occasional clumps of scrub along the route of the A259 with residential and employment development to the south, fringed by planting belts.
- An overgrown hedgerow along the southern side of Courtwick Lane.
- The western edge of the site is defined by a hedgerow beyond which lies a series of fields within the floodplain that extend to the railway line south of Littlehampton railway junction.

SITE CHARACTERISTICS

The site comprises 33.6 hectares of land on the north-western edge of the existing urban area of Littlehampton. It is bound by the A259 to the south, agricultural land to the west and north (beyond which is the railway line), and existing residential and industrial developments to the east. The application site is approximately 1.75km of Littlehampton town centre and 1km of the existing local centre at Wick. There are no public rights of way across it.

Residential development has commenced on the site and many of the new dwellings are occupied.

Prior to the granting of outline planning permission in 2012, the site comprised two fields of arable farmland (the majority being contained within one large field, separated from the second field, located north and north west of Court Wick Park, by a track).

The central, northern and eastern parts are almost level at around 9 metres AOD (at Court Wick Park) with the land falling away gently

into the River Arun floodplain (to around 5 metres AOD along the western boundary). Whilst subtle, this change in topography is an important characteristic of the site.

CHARACTER OF LOCALITY

To the north of the application site (Kingley Court) is Brook Barn Farm, an independently farmed agricultural unit. Beyond this is the railway line, beyond which is countryside.

Immediately to the east of the site is Court Wick Park and the adjoining Court Wick Park Stables (known locally as the Coach House), both of which are Grade II listed. This group of buildings is partially enclosed by significant groups of tall mature trees. Other buildings in this location include Nos. 4/5 Courtwick Park Cottages, a pair of two storey semi detached houses.

Further to the east, beyond Courtwick Park, is a relatively modern housing development which follows a typical medium density pattern of development accessed by a low speed road network of cul-de-sacs. To the south of this, and separated from the application site by an area of undeveloped land (a former nursery site), is the Martello Enterprise Centre, an established employment/business park.

To the west of the site is an area of farmland beyond which is the railway and then the River Arun.

The application site's southern boundary is formed by the A259. A landscaped embankment rises to the south of the A259, beyond which is the large residential area of Wick, which comprises a mix of 2 and 3 storey houses and flats arranged around a loose grid of small parking courts and open spaces. To the west of the Wick residential area is the Lineside Industrial Estate, which is accessed from the A259 via Eldon Way.

The southern edge of Arundel is 2.5km north of the application site.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Littlehampton Town Council - No objection.

Comments on Representations received:

The Town Council's comment is noted.

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

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

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

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

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.

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 proposals is considered to comply with the 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 area, nor would it have an adverse impact upon the 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.

Material considerations include the extant permission on the site for mixed use development and the lack of a 5 year deliverable housing land supply.

CONCLUSIONS

Condition 28 was imposed to ensure that infrastructure is provided for residents of the approved development at a time when it is required. The proposal to vary the wording of Condition 28 from the occupation of '500 dwellings' to the occupation of '550 dwellings' is connected to the advanced build rate across the development and the delay in submitting the reserved matters application for the mixed use local facilities. The variation in dwelling numbers to 550 dwellings would provide the mixed use local facilities at an acceptable rate and would still be some time before the development is fully occupied.

Whilst an application was made last year for the mixed use local facilities, this was withdrawn following the agreed belief that further pre-submission consultation on this was necessary. In addition there was the need to discuss how to approach the changing room facilities for the sports pitches and there was some debate about whether this should be included within the envelope of the mixed use local facilities.

The applicant intends to submit an application for the mixed-use local facilities building in February 2018. By varying this condition in this way, this allows further time for the reserved

matters application to be considered, submitted, determined and constructed.

SECTION 106 DETAILS

The s106 agreement which accompanied the outline planning permission (LU/355/10/) includes the following items:

- Primary Education Contribution
- Open Space Management and maintenance commuted sums
- Highway and junction improvements
- New footways/cycleways
- Bus Service
- Travel Plan provision
- Library Provision
- Fire & Rescue
- Swimming Pools
- Health Facilities

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 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 No more than 550 dwellings within the development hereby permitted shall be occupied until all the mixed use local facilities identified on plan (02) PARM 01 have been constructed in accordance with the approved details for that phase or sub phase.

Reason: To ensure that infrastructure is provided for residents of the approved development at a time when it is required.

- 2 INFORMATIVE: All of the other conditions imposed on planning permission LU/355/10/ are retained, unless they have been subject to previous applications for variations of condition(s).