

REPORT UPDATE

Application No: LU/42/13/

Reason for the Update / Changes

Reason for Update/Changes:

County Highways comments received

No objection - A new access would be provided on to the existing private access way that borders the south eastern boundary of the site. This access way is registered as Footpath 3096, therefore maintenance is carried out to a footpath standard by Public Rights of Way Team at WSCC.

The visibility on to this footpath appears to be suitable to support this development and it is not highway. Visibility conditions are not therefore appropriate. The visibility on to Toddington Lane is also suitable. It is not anticipated a significant intensification will arise from this development, nevertheless both access ways are adequate. 5 parking spaces meets the car parking standards and a turn on site is achievable. Suggest a condition securing parking and turning.

Officers Comment:

None

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/42/13/

Recommendation Report for Planning Permission

REF NO: LU/42/13/

LOCATION: Flint Acre
Toddington Lane
Littlehampton

PROPOSAL: Construction of a 5 bedroom detached dwelling and detached garage.
Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to a 5 bedroom 2 storey dwelling. It would have a ridge height of 10 metres. It is proposed to have brick and weatherboard elevations and a plain tile roof. A triple car barn and store would be located adjacent to the access road.
SITE AREA	0.351 hectares
RESIDENTIAL DEVELOPMENT DEN	3 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed

report

development.

BOUNDARY TREATMENT

Leylandii hedging to approximately 6 metres high on northern boundary. Hedging to access road to approximately 4 metres.

SITE CHARACTERISTICS

The site comprises garden to serve a detached dwelling Flint Acre. A large pond is located in the centre of the site. Flint Acre is a single storey property with flint and white colour elevations and a plain tile roof.

CHARACTER OF LOCALITY

Predominantly rural characterised by sporadic detached dwellings of varying design and nurseries.

RELEVANT SITE HISTORY

LU/299/90	Single storey outhouse with thatched roof as summer house	ApproveConditionally 08-10-1990
LU/43/13/	Construction of 4 no bedroom detached dwelling and detached garage - This is a Departure from the Development Plan	Refused 19-09-2013
LU/521/72	Conversion of farm buildings into dwelling	ApproveConditionally 04-01-1973

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection - Notwithstanding the lack of information about the detached garages.

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning

Southern Water Planning

Engineers (Fluvial Flooding)

Engineering Services Manager

Consultations responses received:

County Ecologist - No objection. Condition suggested.

Engineers - No objection in principle. Conditions suggested.

Southern Water - A formal application for connection to the public sewerage system is required. An informative is requested in this respect.

County Highways - Awaited

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Within Arundel and Littlehampton Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity and the character of the area.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect 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

Principle

The site lies outside the built up area boundary within an area designated as a strategic gap where the principle of residential development, without agricultural justification, is not normally acceptable. The proposal is therefore contrary to policies GEN2, GEN3 and AREA10 of the local plan.

The applicant's agent refers to surrounding land being earmarked for development, but this is at an early stage and the application site lies outside the area concerned and outside the built-up area boundary as defined in the Local Plan. However the site area for outline approval LU/47/11 for mixed development, including residential, surrounds the site. Details of layout and other matters have been reserved to a later stage and it is therefore not possible to gauge how the proposal would sit with the previously approved development.

Application LU/47/11 was approved on the basis that saved policies GEN2 and GEN3 seek to focus development within the built-up areas, and safeguard the land outside the built up areas (referred to as the countryside for policy purposes). However, Policy GEN2 is clear that the boundaries of the built up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan.' The built up area boundaries were drawn for the purposes of defining the extent of built up areas and countryside. This was done with the background of the required number of dwellings for the plan period being provided within the built up areas or on allocated sites.

These boundaries are time expired and do not relate to housing provision beyond 2011. This is acknowledged by the Council in its Core Strategy 'Options for Growth', which looks forward to 2026, as the options identified all show proposed development locations outside the currently defined built-up areas. The development on greenfield sites (with the exception of one allocation) was not envisaged in the plan period up to 2011.

Given that the proposed development would provide for development requirements post-2011, the built-up area boundaries, as established in the current Local Plan, significantly reduced weight in the determination of the application. This application is for residential use and therefore given the proximity of the site to the approved development residential use would be acceptable.

Notwithstanding this, the current application is considered to be premature as it is not possible at this time to gauge how the development would integrate or not with the significantly sized and approved outline scheme. It would therefore be more appropriate to pursue the development of this smaller site once further details have been received so as to ensure that there would be no adverse impacts on layout, character, visual and residential amenities.

Visual Amenity and Character of the Area

The size of the plot is readily comparable with others in Toddington Lane. The area is characterised by sporadic detached dwellings of varying design which contribute to the rural character of the area. Most of these properties comprise linear style ribbon development along Toddington Lane. The proposed dwelling would be set back from Toddington Lane 45 metres, but it would have a ridge height of 7.8 metres and a length of 15 metres and would be located 12 metres from the access road frontage to the east. The dwelling would therefore in the short term be readily visible in the landscape and appear as an isolated feature detracting from the open rural appearance of the area contrary to the visual amenities and character of the locality. From the indicative illustrative master plan submitted with outline application LU/47/11 the site is indicated as adjacent to Community facilities and lower density residential development so in the long term it is not clear how the dwelling would be assimilated with the adjoining development.

Residential Amenity

The siting of the dwelling on the rear boundary of the property would provide adequate separation distances to the existing dwelling at Flint Acre and it is not considered that the proposal would have any adverse effect on the residential amenities of Flint Acre.

Affordable Housing

The proposal generates the requirement for financial contributions towards the provision of affordable housing. A legal agreement has been signed in this respect relating to contributions totalling £2,208.

Highways and Parking

County Highways comments are awaited. Car parking is provided in a triple car barn and 2 additional spaces are identified on the site frontage. Adequate parking and turning is therefore available within the site.

Conclusion

It is therefore recommended that the application is refused for the following reasons

HUMAN RIGHTS ACT

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 no negative 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).

RECOMMENDATION

REFUSE

- 1 The proposed development lies outside of the defined built-up area boundary and if approved would result in a discordant form of development. The absence of a detailed approval on the adjoining site would result in uncoordinated developments which do not relate to one another. The proposal is therefore contrary to Arun District Local Plan policies GEN3 and GEN7 and the principles of good design in the National Planning Policy Framework.
- 2 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.