

Recommendation Report for Planning Permission

REF NO: LU/58/21/PL

LOCATION: Land adjacent to
Toddington Lane Farm Cottages
Toddington Lane
BN17 7PP

PROPOSAL: Erection of a semi-detached building comprising 2 No. 3 bedroom house with associated parking & landscaping. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal comprises 2 no. 2 storey semi detached dwellings with 5 parking spaces to the front of the dwellings.
SITE AREA	0.05 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. The site is relatively level, with a gentle slope running from north to south with a railway line at its most southerly boundary.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Some intermittent hedging/fencing.
SITE CHARACTERISTICS	Area of wasteland devoid of any structures or current use.
CHARACTER OF LOCALITY	Former area of horticultural nurseries with sporadic housing now being redeveloped for housing.

RELEVANT SITE HISTORY

LU/162/17/PL	Demolition of existing building, erection of 10 residential dwellings (Use Class C3) with associated open space, landscaping, parking, and access. Departure from the Development Plan.	Refused 21-11-17
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Appeal: Allowed+Conditions
07-01-19

LU/162/17/PL relates to the neighbouring site to the north of the application site. There is no relevant site history for the application site itself.

REPRESENTATIONS

Littlehampton Town Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Network Rail - No Objection. Informative requested.

County Highways - No Objection.

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Conditions relating to car and cycle parking and provision of electric vehicle charging requested.

Archaeology Adviser - No Objection.

Environmental Health - No Objection. Conditions requested regarding contamination, sound insulation, CMP and lighting.

Ecology Officer - No Objection. As indicated by the Preliminary Ecological Appraisal, the habitats on-site are due to be lost with the development and therefore it is essential that mitigation be provided to mitigate and compensate for these losses in accordance with the submitted report.

COMMENTS ON CONSULTATION RESPONSES:

- Comments noted.

POLICY CONTEXT

Designation applicable to site:
Committed Strategic Housing Site
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
WDM3	W DM3 Sustainable Urban Drainage Systems
DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
HSP2	H SP2 Strategic Site Allocations
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
ENVDM5	ENV DM5 Development and biodiversity

[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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Littlehampton Neighbourhood Plan has been made and policies 1 and 2 are considered relevant to the determination of this application.

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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the character of the locality and the residential amenities of the prospective occupiers.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is an overgrown area of land which is not currently being used for any purpose. Before this part of Toddington Lane was allocated as a strategic housing site it occupied a countryside location and was used for storage. The adjoining land is currently being developed for housing and this site has been included in the Strategic Housing Allocation and is now within the Built Up Area Boundary. In principle residential development of the site would accord with local plan policies in terms of the supply of housing and is sustainably located given the neighbouring residential sites under construction and the proximity of essential services.

The made Littlehampton Neighbourhood Plan contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations

indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site other than a reference to the area as a strategic housing site in policy 2. The proposal would therefore accord with this policy.

Policy 2 - 'Spatial Plan for the Town' refers to the site (Toddington North of the Railway Line) which states :

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area of Littlehampton and especially the Fitzalan Corridor connecting the strategic housing allocations at North Littlehampton (Toddington- north of the railway) and at Courtwick Park with the Littlehampton Academy, the Town Centre and the Community Hub and the Green. The proposal therefore accords with this policy.

CHARACTER, DESIGN AND VISUAL AMENITY

Policy D DM1 of the Arun Local Plan (ALP) requires that the Council have regard to certain aspects including (1) Character - seeking that development reflects or improves upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

(2) Appearance/attractiveness - requiring development to demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area;

(13) Density - This should make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness.

(14) Scale - This requires the scale of development to keep within the general confines of the overall character of a locality.

(15) Aspects of Form and Quality - This requires development to accord with the Arun Design Guide.

Policy D SP1 seeks good quality development that demonstrates a high quality of design based on a site analysis and context appraisal, adherence to objectives informing sustainable design and the influence of these objectives have on the form of the development.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 6 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The proposed development is considered unacceptable by reason of conflict with the above policies by virtue of the plot sizes which would have an adverse impact upon the character of the locality. The density of dwellings at 40 dwellings per hectare is greater than on adjoining sites. The site to the north for 10 dwellings had a density of 28 dwellings per hectare which was slightly lower than other recently approved sites in Toddington Lane. Directors Cottage LU/249/17/PL had a density of 36 dwellings per hectare (dph) approval LU/116/13/ for 63 dwellings had a density of 37dph and the development of 3 properties at Knightscroft opposite to the north (LU/131/16/PL) had a density of 30 dph. Whilst the density is not itself necessarily an issue there are problems with the site layout in respect of the amount of space around the development.

As the application currently stands it is not considered that 2 dwellings can be satisfactorily accommodated on the site. The layout proposed when considered against the dwelling type and amount of hard surfacing to facilitate car parking results in an over development of the site contrary to the established character and appearance of the locality. The layout of the houses has been arranged to reflect the orientation of the cottages to the east, but the rear garden lengths are uncharacteristically short and the amount of development appears cramped and out of keeping. The dwellings are located very close to the railway line and to side boundaries and the plot sizes do not reflect the plot size of development in the locality. Whilst the garden lengths are similar to some of the newer dwellings to the

north the pattern of the development on the site is more readily compared with the existing dwellings to the east which are similarly orientated and face the same frontage and these have much longer rear garden lengths. In addition the dwellings to the north were approved at a time when Arun did not have an adopted Design Guide. The agent has advised that the garden sizes on the development to the north vary from between 56m² to 91m² and that the proposed garden sizes of 71m² and 115m² meet and exceed these areas.

The dwellings to the east have a rear garden length exceeding 10m. Given the proximity of the dwellings to the railway line and the overall limited plot depth the proposed 2 storey dwellings would be overly dominant and would not accord with the prevailing pattern of development in the locality. In addition given the limited space to site boundaries the dwelling would appear uncharacteristically cramped and the proposed dwellings would fail to appear integrated with the existing neighbouring properties plot depths.

The Arun Design Guide part P requires infill development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents. The guidance states that in most cases, new schemes should emulate the established pattern of building height, scale, plot width, boundary treatment and building line along the edge of the plot, and continue the rhythm of the street by repeating key elements such as windows, doors and walls. The proposal is contrary to this guidance in respect of plot size and building pattern and rhythm given the set back position of the dwellings.

The Guide recognises that infill schemes present a valuable opportunity to increase the efficiency of land use in existing urban and rural areas and provide new housing, but this should not lead to overdevelopment and over-intensification of building plots. Infill development should provide sufficient access to new dwellings and incorporate appropriate car and cycle parking as per the Arun District Parking Standards including space standards and inclusive design. These issues are discussed below.

This proposal does not retain sufficient space to the rear or side boundaries around the building in keeping with the character of the area and does not complement the appearance of the development as a whole. It does not respect the position of existing buildings or contribute to a sense of cohesion and unity. Therefore, the proposed dwelling is considered to conflict with policies D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. Policy QE SP1 requires that all development contributes positively to the quality of the environment. One of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

In terms of impact on the residential amenity of nearby properties there are no windows proposed in side elevations of the dwellings and they are of a sufficient distance from adjoining properties to have no materially adverse effect on the residential amenities of existing occupiers from adverse overlooking, overshadowing or overbearing impacts and therefore are deemed to accord with policy D DM1(3) of Arun Local Plan.

The proposal makes limited and unacceptable provision for private amenity space given the limited plot depths and overall plot sizes. Arun Design Guide (part H) suggests that outdoor residential amenity space should fulfil a variety of functions and accommodate a range of activities and should be of an appropriate size and shape and integrated with surrounding uses. The Guide states amenity spaces should be of an appropriate size and shape to be usable and enjoyable. The dwellings have 3 bedrooms and would be capable of family occupation. The garden depths proposed do not accord with the

generally expected 10.5m garden length referred to in the guidance. The plots have rear garden lengths of 6m and 7.8m. This is significantly below the standard and would not provide sufficient external space for outside family use. The development would therefore conflict with policy QESP1 of Arun Local Plan.

Policy D DM2 of the ALP requires internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs in accordance with the Governments Technical Housing Standards (Nationally Described Space Standard). The 'National Space Standards' states that a 3 no. bed five person two storey dwelling should provide an internal floor area of 93m². The 98m² floor area exceeds this figure.

PARKING & HIGHWAY SAFETY

Arun Local Plan Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

In respect of parking, it supports development which incorporates appropriate levels of parking in line with Arun Parking Standards and which considers the impact of development upon on-street parking.

Regard should also be had to paragraph 109 of the NPPF which refers to refusal on highways grounds only if there would be an unacceptable impact on highway safety.

The proposal does not contain any covered parking, but does have 5 spaces indicated on the site frontage. This would accord with Arun's parking standards which require 2 spaces per dwelling plus 20% for visitor parking. The advice of County Highways is agreed with where it states that it does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

Cycle parking standards are contained within Arun's parking standards and require 2 covered , secure spaces per unit. These are provided within sheds in the rear gardens of the dwellings. The proposal is therefore compliant in this respect.

An electric vehicle charging point is required, but this could be addressed with the imposition of a condition.

BIODIVERSITY

Policy ENV DM5 (Development and biodiversity) of Arun Local Plan requires developments to seek to achieve a net gain in biodiversity and incorporate a range of ecological enhancements. The Council's ecologist has been consulted and requested enhancements could be conditioned to ensure compliance with policy ENV DM5.

SUMMARY

The site by virtue of its length and size would result in development which is unduly cramped and out of character with its surroundings. It would also have a limited and unacceptable amenity area to serve future occupiers of the 3 bedroom dwelling. It is therefore recommended that permission be refused for the following reasons.

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 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 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The site, by virtue of its size and depth, is considered unsuitable and insufficiently large to accommodate 2 dwellings and private amenity space satisfactorily without significant damage to the character of this established residential area. The proposal would result in an unduly cramped form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D DM1 and D SP1 of the Arun Local Plan and Part P of Arun Design Guide.
- 2 The limited amenity space proposed would result in a form of development which would be detrimental to the residential amenities of future occupiers contrary to policy DDM1 (15) and QE SP1 of the Arun Local Plan and Part H of the Arun Design Guide.
- 3 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.