

REPORT UPDATE

Application No: LU/68/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

One letter of support

It is requested that the Committee note that this proposed housing of 4 units will help meet the very large existing need from local residents for new housing with one bedroom, as most new dwellings tend to have 2 or more bedrooms. To refuse planning permission would be denying these mostly young people the chance to live in a decent home. The design blends in with the housing already existing on the site and previously approved. The car parking and access meet standards and are perfectly satisfactory. The one objection received does not stand up to professional scrutiny.

Officers Comment: No additional comment

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/68/14/PL

Recommendation Report for Planning Permission

REF NO: LU/68/14/PL

LOCATION: Vacant land North of
45A West Way
Littlehampton

PROPOSAL: Erect new building comprising 4 No one-bedroom flats

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for the erection of 4 one bedroom flats that would have the appearance of a detached 2 storey dwelling located on an area that is currently used for car parking. The building would be 7 metres high to ridge and would have a floor area of 10.2m x 9.4m. The property would have a car parking area for 5 cars located to the west. It is accessed through a car parking area that joins West Way to the south west of the site. The properties would have brick elevations and tiled roofs.

SITE AREA

0.14 hectares

RESIDENTIAL DEVELOPMENT DENSITY

N/A

report

TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing on 3 sides of site. Entrance to parking area is open.
SITE CHARACTERISTICS	Site is currently used as a car parking area and is hard surfaced.
CHARACTER OF LOCALITY	Predominantly residential. Characterised by 2 and 3 storey dwellings and blocks of flats set back from the road frontage.

RELEVANT SITE HISTORY

LU/170/11/	Change of use and minor alterations to revert family centre to six dwellings.	ApproveConditionally 05-09-2011
LU/89/12/	Retention of use as a self-contained residential unit	Refused 20-09-2012 <i>Appealed</i> Appeal: Allowed+Conditions 03 09 2013
LU/290/13/	Construction of two new 3-bedroom dwellings north of 41a Westway	ApproveConditionally 14-11-2013

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection. This is already a very densely populated area in a deprived Ward and as such it is considered that the proposals constitute an overdevelopment of the site. The quality of the design is poor and unimaginative and does not provide satisfactory access to the car park from the front of the properties.

Comments on Representations received:

The design is very similar to the adjacent terraced dwellings in terms of its roof profile and proportions. The car parking is easily accessible.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Engineers - The applicant states that surface water will be discharged to soakaways.

Please apply standard conditions ENGD2A and ENGD5A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN9](#)
[GEN12](#)

The Form of New Development
Foul and Surface Water Drainage
Parking in New Development

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

D SP1 Design
D DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
D DM3 External Space Standards

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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.

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

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. 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 agreed the majority of the Arun Local Plan in February 2014 (Publication

Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact 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 within the built up area boundary where the principle of residential development is acceptable subject to compliance with development control criteria with regard to visual and residential amenity and the character of the area.

Planning History

The application follows an earlier approval (LU/290/13) on the site for 2 three bedroom semi-detached dwellings which were of the same footprint and height as this proposal.

Visual Amenity and Character of the Area

The area is characterised by a mix of dwelling type with predominantly 2 storey development adjoining the site in West Way. Terraced and semi-detached dwellings are also prevalent. The units would have garden amenity area with a depth to the rear of 5.8m, but this is directly comparable with nos. 41a and 43 in the adjoining terrace. The provision of outside amenity space accords with policy DDM3 of the Emerging Local plan. The footprint of the building would be slightly greater than the adjacent terrace, but would be readily comparable with those to the east. It would reflect the height of the adjacent terrace. The proposal would therefore be in keeping with the general pattern and scale of development in the locality and the footprint and height of the development has already been approved. The internal room sizes for the bedrooms and bathrooms are slightly greater than policy requirements (bedrooms 11.8m² instead of 8m² and bathrooms 3.78m² instead of 3.6m²) and the living/eating area is slightly below the requirements for 1bed 1 person units (19.2 and 18.8m² instead of 21m²). The under provision of living area is therefore compensated for elsewhere within the accommodation and is therefore considered acceptable in terms of compliance with policy DDM2 of the Emerging Local Plan.

Residential Amenity

The proposed units would be located behind other dwellings in the locality. The distance to the side boundary with property rear gardens in Grand Avenue is 5.5m and this is acceptable to ensure no adverse overbearing effects result. No first floor windows are proposed in this elevation so there would be no loss of privacy resulting.

The dwellings are located 5.8m from the eastern boundary with the rear boundaries of adjoining properties. This would generally be acceptable especially given that it is directly comparable with the distances of 41a and 45a from the eastern boundary and the dwellings to the rear and is therefore considered acceptable in terms of overbearing impact. The rear elevation to rear elevation distance between the dwellings would be 18m. This is adequate to ensure no materially adverse overlooking would result. The properties would be in line with nos. 41a to 45a and there are no windows in the north end elevation of no 45a. Therefore there would be no adverse effect on the residential amenities of this property.

Car Parking

The proposed parking provision of 5 spaces is considered to be within the WSCC maximum car parking standards and the site is sustainably located. County Highways previously had no objection to car parking in this location.

Conclusion

The application is therefore recommended for approval subject to the following conditions

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 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.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal neutral 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).

SECTION 106 DETAILS

The application is subject to a signed legal agreement relating to payments of a commuted sum totalling ?4,416 in respect of affordable housing

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby approved shall be carried out in accordance with the following approved plans 45WW-Hob-Flats 01 and 02.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The dwellings shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the

Arun District Local Plan.

- 4 The dwellings shall not be occupied until secure and covered cycle storage has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. The storage areas shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of cycles in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 5 No development shall be carried out unless and until a schedule of 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 by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 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.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

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.

- 7 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22

- 8 INFORMATIVE: This decision has been granted in conjunction with a signed Section 106 legal agreement relating to affordable housing contributions

- 9 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.