

Recommendation Report for Planning Permission

REF NO: LU/69/22/PL

LOCATION: 28 Arundel Road
Littlehampton
BN17 7DB

PROPOSAL: Change of use from abandoned amenity space to temporary caravan site to house refugees. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the siting of a 2 bedroom mobile home on a temporary basis to house a refugee family. The precise size of the home is uncertain at this stage as the make and model of the home have not yet been determined. The structure would be single storey and is likely to have a shallow pitched roof and have an approximate floor area of 10.7m by 3.6m. It would have no associated outside amenity area or car parking.
SITE AREA	51 sqm
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The southern boundary of the site features a brick wall to a height of approximately 2m with the northern boundary of the site consisting of close boarded fencing to a height of approximately 2m. Gated vehicular access is available from the rear.
SITE CHARACTERISTICS	The site is overgrown and located to the rear of 28 Arundel Road which has been subdivided into 4 flats. It includes a tarmacked area previously used to provide 4 No. parking spaces which was conditioned to be provided in planning approval LU/363/02.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential but is situated in close proximity to the town centre with retail located to the south. Neighbouring properties to the site are predominantly flats but the wider locality features properties of various designs and style.

RELEVANT SITE HISTORY

LU/135/16/PL	1No. single storey self contained dwelling	Refused 11-08-16
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LU/363/02/

Conversion of existing house of multiple occupation into
4 no. self contained flats.ApproveConditionally
30-01-03**REPRESENTATIONS**

Littlehampton Town Council - Objection.

- Sympathetic to the rationale for the application but concerns regarding overdevelopment of the site.
- Proposal would result in the loss of amenity/garden space particularly for the residents of the main house.
- Out of character
- Would set a precedent.

1 Support

- Welcome this initiative to support some vulnerable and traumatised people at this turbulent time.
- The site is well located in a residential area and close to local amenities.

5 Objections

- This site is not suitable for a caravan, even if temporary.
- The surrounding roads and properties are already overpopulated with vehicles and this area should be changed back to a car park and a garden area for the tenants of the flats. The area was fenced off when refurbishment works took place and was left to become overgrown. The tenants were left with no parking or garden space and the area was overgrown until it was all cut back in December 2021.
- No thought has been given to waste disposal, sewage, basic utilities or facilities or the impact on existing residents of Arundel Road Cornwall Road and Queen Street.
- The parking is already causing problems with vehicles being parked illegally on a daily basis causing risk to residents and preventing access to emergency services.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be covered in the Conclusions section.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

County Highways - No Objection.

After inspection of aerial photography, it seems there is a vehicle parking area to the rear of 28 Arundel Road accessed via Connaught Road serves the 4 flats located at 28 Arundel Road but that this area is outside the red edge plan and it is not being considered that any use of this parking area is to change as a result of this application.

Arun District Council Supplementary Planning Document for Parking a 2-bedroom dwelling in a location such as this would create the demand for 1 car parking space. While the specific use to house refugees will likely not generate any parking demand initially it may generate some parking demand in the future. Given no provision for this has been detailed it will need to take place safely on street nearby in accordance with any existing Traffic Regulation Orders.

Any adverse impacts on residential amenity resulting from the lack of parking provision should be

assessed by the Local Planning Authority.
Cycle parking should be conditioned.

Environmental Health - No Objection. Conditions requested relating to construction hours and contamination.

Drainage Engineer - No conditions requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

[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

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD13 Arun District Design Guide (SPD) January 2021

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 relevant policies of Littlehampton Neighbourhood Plan have been considered.

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 conflict with relevant Development Plan policies in that there would be a materially adverse effect on residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND

The applicant has been in contact with West Sussex County Council and wishes to provide a self-contained affordable unit of accommodation near local amenities and with access to public transport on a secure medium to long term tenancy of 12 months to three years.

PRINCIPLE

The site is in a Built-up area Boundary where new development should be focussed, according to policy SD SP2 of the Arun Local Plan (ALP), provided it accords with other policies of the Plan covering such issues as visual and residential amenity, parking and highway safety.

Regard should be had to policy SD SP1 of the ALP which states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

In this case the key Arun Local Plan policy considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), QE SP1 (Quality of Environment) and T SP1 (Transport and Development). These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

In addition Policy 1 of the Littlehampton Neighbourhood Plan (LNP) states "Planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. Planning permission will also be granted where relevant policies in the Neighbourhood Plan are out of date or silent unless:

- other relevant policies in the Development Plan for Arun indicate otherwise;
- or any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF;
- or specific policies in the Framework or other material considerations indicate that development should

be restricted.

Policy 2 of the LNP states that "The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area boundary of Littlehampton".

The proposal is acceptable in principle given its location in a sustainable location within the Built-Up Area Boundary, in walking distance of a range of shops, facilities and services in Littlehampton Town Centre and access to different modes of sustainable transport including walking/cycling routes, bus routes and Littlehampton train station. It would provide small scale accommodation within walking distance of the town centre.

The proposals would therefore accord with ALP policies SD SP2 and SD SP1, policies 1, 2 and 3 of the LNP and the NPPF, in this respect.

RESIDENTIAL AMENITY

The Officers note the concern of the Town Council and agree with the comments in respect of overdevelopment of the site in relation to the lack of adequate space being retained for the occupiers of 28 Arundel Road and the lack of outside space to serve the proposed unit.

The home would be of limited height but would be located almost immediately to the rear of no 28 denuding the host premises, which is in use as 4 flats, of any useable amenity space for the residents and any potential of using the tarmacked area for car parking as originally intended. The application has been submitted on the basis of a temporary 12 month or 3 year basis, but the reduced ability of existing residents to use this space for amenity and parking purposes would unacceptably adversely impact their amenity even in the short term.

The height of the structure would be single storey which is not considered to result in a materially adverse impact to adjoining properties by reason of adverse overbearing or overlooking impacts.

CHARACTER, DESIGN & LAYOUT

Policy D DM1 - Aspects of form and design quality confirms that when considering any application for development the Council will have regard to the following aspects: character, appearance/attractiveness, impact, innovation, adaptability, crime prevention, trees and woodland, solar gain, public realm, layout, density, scale and aspects of form and design quality.

The site is located within an existing garden area with no road frontage. Access and parking would be achieved via an existing gate. No amenity area is indicated to serve the property. The curtilage would be defined by existing fencing and walling.

The structure would not be readily visible in the street scene and would have no materially adverse impact on visual amenity given its enclosed and screened location. The structure would be modular and of little visual or architectural merit, but it would not be a permanent use of the site and would be of limited scale. The quality of design of the building is limited and utilitarian, but the final colour of the materials could be subject of a condition to ensure that it does not detract from its surroundings and permission could be temporary to ensure the appearance of the structure does not unacceptably deteriorate. The design is acceptable in principle.

However, the plot size and amenity space, even if considered on a short term basis, would be cramped and is not directly comparable with neighbouring units and given the detached, independent nature of the use it would not be in keeping with the character of the area in conflict with policies D SP1, SD SP1, & D DM1.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 requires that internal space standards are in accordance with the Governments Technical Housing Standards (Nationally Described Space Standard). However, the proposed layout of accommodation has not been submitted at this stage and therefore compliance with Policy D DM2 can't be assessed. In any event it is likely that the accommodation would be subject to other legislation in respect of site licensing by environmental health.

In terms of external space there are no policies setting out a direct dimension and it is noted that there is an abundance of public open space in close proximity to the property, along Littlehampton seafront and at local parks, providing outdoor amenity for future occupants of the unit. However, in this case the level of provision is seen to be unacceptable as it is not comparable to other neighbouring properties and removes the amenity space for existing occupiers of 28 Arundel Road and provides no area for occupiers of the unit to sit outside or peg out washing etc.

HIGHWAYS

Para.110 of the NPPF states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Para. 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 of the Arun Local Plan requires development proposals to provide safe access on to the highway network and to incorporate appropriate levels of parking in line with adopted planning policies. ALP policy T DM1 requires development to make provision for facilities for sustainable modes of transport such as cycling, to meet the parking standards, including cycle storage.

There are no changes proposed by way of access as the existing access point is to be retained and used and the site is sustainably located close to the town centre.

Condition 2 of planning permission LU/363/02 stated ' The layout of the proposed development shall provide for 4 parking space for vehicles in accordance with plans to be approved by the Local Planning Authority.' It did not require retention of the parking in perpetuity.

County Highways have been consulted and have determined that parking for the existing units would still be retained, but there is no evidence within the application to demonstrate this is the case.

The ADC Parking SPD (2020) would require a parking space and each of the existing flats has previously had a parking space provided for them. Based on the limited information submitted with the application the proposal would not provide sufficient car parking for the proposal and would erode parking for the existing flats. Whilst some flexibility may be applied to the standards given the town centre location and that refugee occupants are unlikely to have a car the proposal would result in the permanent loss of too many existing spaces (4 spaces were originally approved when the property was converted to flats) which will lead to more congestion of local roads and additional demand for parking in an area where on street parking levels are already high which will adversely impact residential amenity.

The proposal would also require cycle parking provision and there would be no space available to make provision externally. However the lack of cycle parking would be acceptable given the sustainable location of the site on the periphery of the town centre with good access to public transport and shops. Although the proposal would conflict with policy T SP1 of Arun Local Plan in this respect no harm would result from the lack of cycle parking provision.

CONCLUSION

The lack of external amenity space and car parking provision and the adverse impact on the character and amenities of occupiers of Arundel Road would be unacceptable even for a limited period and therefore for the reasons given above the proposal is not acceptable and conflicts with relevant Development Plan policy. As such it is recommended the application is refused for the following reason.

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) 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 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 Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 Based on the limited information submitted with this proposal with respect to car parking and outside amenity space the Local Planning Authority is not satisfied that the use can be carried out without adversely affecting the character of the area and residential amenities of the occupiers of 28 Arundel Road or potential occupiers of the site in conflict with policies D DM1, T SP1 and QE SP1 of Arun Local Plan.
- 2 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.