

REPORT UPDATE

Application No: LU/73/09/

Reason for the Update / Changes

Reason for Update:

Amended Officers Report and Informative

Officers Comment:

Please note that planning permission for the Site 7 development was granted under planning ref: LU/61/06/, not ref: LU/60/06/ as incorrectly stated within the Officers Report.

The first informative has been amended, due to the proposal being contrary to policy GEN20 of the Arun District Local Plan.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

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/73/09/

PLANNING APPLICATION REPORT

REF NO: LU/73/09/

LOCATION: Eden Park/Elysian Fields
Worthing Road
Toddington Littlehampton

PROPOSAL: Change of use of small area of Public Open Space land to temporary sales car park area to serve plots 393

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The current proposal seeks a change of use of an area of Public Open Space land, which is located within the Site 7 residential development (planning ref: LU/61/06/) to a sales car park area. The car parking area will serve plot 393 as the show home and provide parking for 5 cars (4 standard and 1 disabled).

The car parking area and access road will be surfaced with tarmac and will be enclosed by a 0.5m high knee rail fence.

The agent has confirmed that that the car parking area is required for a temporary period of between 3 and 4 months.

SITE AREA	N/A.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Sloping downwards slightly from north to south.
TREES	Several small trees have been recently planted on the existing area of open space.
BOUNDARY TREATMENT	No physical boundary surrounds the area of land, which is the subject of this application.
SITE CHARACTERISTICS	Grassed area of open space, with several small trees planted.
CHARACTER OF LOCALITY	The application site is part of a new residential Site 7 development (planning ref: LU/60/06/), which is nearing completion. The development consists of a mixture of housing types. The immediately surrounding area is generally characterised by two, two-and-a-half and three storey dwellings.

RELEVANT SITE HISTORY

LU/71/07/	Units 1-19 Eden Park, substitution of approved house types to applicants preferred design/house types.	Approved Cond 18-06-2007
LU/403/07/	Temporary sale office for residential development	Approve Cond 07-01-2008
LU/276/08/	Plot substitution of plot 19 for plots 19/19a	Approve Cond 07-11-2008
LU/352/08/	Proposed re-plan affecting plots 51, 59 - 62, 73 - 75 by substituting similar units	Approved Cond 28-01-2009
LU/364/08/	Proposed additional garage to be constructed to Plot 341 and revised position of house and driveway	Approved Cond 24-02-2009

LU/60/06/
Residential development for 393 dwellings (including affordable housing) various houses/ flat types; public open space including LAP's and a LEAP; access, parking and servicing

arrangements; and associated landscaping.

Refused

31-07-2006

Appeal Allowed

04-01-2007

LU/45/06/

Closure of existing Toddington Lane Junction with A259 Worthing Road

ii) construction of new priority junction with A259 Worthing Road including single lane duelling of section A259 Worthing Road;

iii) construction of link road connecting existing Toddington Lane with new access road;

(iv) a widening of A259 Worthing Road entry onto Watersmead Roundabout and spiral road markings;

v) provision of Toucan across A259 Worthing Road immediately west of site;

vi) provision of new vehicular and pedestrian access to the north west of the site from Toddington Lane.

Approved Conditionally

22-06-2006

LU/70/07/

Units 51-58, 284 & 289 substitution of approved house types to applicants preferred design/ house types.

Approved Conditionally Sub S106

18-06-2007

LU/71/07/

Units 1-19 substitution of approved house types to applicants preferred design/ house types.

Approved Conditionally Sub S106

18-06-2007

LU/72/07/

Units 126-146 (block D) substitution of approved block of flats to developers preferred design/ arrangement, number of units and bedrooms unchanged.

Approved Conditionally Sub S106

18-06-2007

LU/74/07/

Plots 116-124 to include garage only to Plot 125 substitution of approved house type to applicants preferred design/ house types including relocation of garages.

Approved Conditionally Sub S106

18-06-2007

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection:

There is already parking available on the site and the objection is to the temporary loss of Public Open Space.

Three Letters of Objection:

There is already adequate parking on the site on the existing sales office;

Loss of valuable open space;
A row of newly planted trees will be destroyed;
During the daytime hours there is plenty of parking on road;
During the current climate this parking space could be there for some considerable time;
In this age of sustainability it would be negligent to encourage more traffic and vehicles on an already busy development;
If it was to go ahead there should be some offsetting by putting some traffic calming schemes in place that by looking at the original plans have not been implemented;
Loss of view:
At no time was it mentioned that open space would be replaced with a car park;
How temporary is temporary?
Will it be put back to its present state or left as parking spaces because it costs too much to revert to its original condition?
We pay a service charge for the upkeep of the open space on the estate so will I get a refund for the loss of open space?
An open space which is already used by the community will be lost for many months;
Newly surfaced roads and pavements will be damaged;
Visually from my east facing windows I will see tarmac and cars instead of trees and grass;
Bryant already have a car park next to the their marketing office which is plenty big enough;
Bryant decided to build on a perfectly good car park owned by Wimpey;
Will be used as off road parking by other residents as not much off road parking on site;
Why does plot 393 need so many parking spaces and a disabled space;
Surely it just going to used by Bryant as extra marketing space, for parking of clients cars and fencing use to put advertising on.

Comments on Representations received:

The proposal is for change of use of a small area of open space to parking. The parking area is proposed for a temporary period.

Provided a condition is imposed which ensures that the the parking area is for a temporary period and at the end of this time period the land is restored to its former condition, it is considered that the proposal would be acceptable and will not cause demonstrable harm to the character of the surrounding area or the residential amenities of any neighbouring properties. The matter of service charge for the upkeep of the open space is a civil matter.

CONSULTATIONS

Parks and Landscapes
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Drainage Engineers:

Surface water drainage

No direct connection is to be made to Infiltration Basin 3. If any drainage connection is proposed to the existing surface water system, a detailed drawing is to be submitted for approval. The integrity of the existing drainage basin is to be maintained and care taken that no damage is caused.

Parks and Greenspace

No Objection:

All Public Open Space is protected from development in accordance with saved policies within the Local Plan. However this is for a temporary period during sales/ construction phase of the development and is for a limited period.

Any permission must be conditioned for a specified period (period of no longer than 12 months) and the open space reinstated to the approved landscape plan.

Comments on Consultation responses:

The agent has been advised of the comments received from the Councils Engineers.

A condition will be imposed on any permission, which ensures that the change of use is only allowed for a temporary period, and after this time period the land is restored to its former use and condition.

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary.

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1 CH1 DEV1	Locational Strategy Character High Quality Development
Arun District Local Plan:	GEN2 GEN7 GEN9 GEN20	Built-up Area Boundary The Form of New Development Foul and Surface Water Drainage Provision of Public Open Space within New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing

SUPPLEMENTARY POLICY GUIDANCE

XXX10	SPG: Open Space & Recreation Standards
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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.

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 policy GEN20 of the Arun District Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

Due to the temporary nature of the proposed change of use of the land, it is considered that the proposal would be acceptable and would not cause demonstrable harm to the character of the surrounding area or the residential amenities of any neighbouring property. A condition will be imposed on any permission which ensures that after this temporary period, the use of the land shall be discontinued permanently and the land restored to its former condition.

CONCLUSIONS

The current proposal seeks the change of use of an area of Public Open Space land, which is located within the Site 7 residential development (planning ref: LU/61/06/) to a sales car parking area. The car parking area will serve plot 393 as the show home and provide parking for 5 cars (4 standard and 1 disabled).

The proposal would result in the loss of an area of open space, contrary to Policy GEN 20 of the Arun District Local Plan. However, the agent has confirmed that the car parking area is required for a temporary period of between 3 and 4 months. Provided a condition is imposed which ensures that the the parking area is used for a temporary period and at the end of this time period the land is restored to its former condition, it is considered that the proposal would be acceptable and will not cause demonstrable harm to the character of the surrounding area or the residential amenities of any neighbouring properties.

It is therefore recommended that the application is approved, subject to the condition detailed below.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The use of the land hereby permitted shall be discontinued permanently and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 31st December 2009.

Reasons:

The Local Planning Authority would not normally grant permission for change of use of an area of open space but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period.

2 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission was granted because, although the proposed development would result in the loss of an area of public open space, contrary to Policy GEN20 of the Arun District Local Plan, there are material considerations which indicate that it can be granted. These material considerations are that due to the temporary nature of the proposed change of use of the land, it is considered that the proposal would be acceptable and would not cause demonstrable harm to the character of the surrounding area or the residential amenities of any neighbouring property.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1.

LOCAL PLAN: GEN2, GEN7, GEN9, GEN20, SITE7.

NATIONAL POLICIES: PPS1, PPS3.

This paragraph is to comply with Article 22 General Development Procedure Order 1995

3 INFORMATIVE:

The applicant is advised of the following comments, which have been received from the Councils own Engineers:-

Surface water drainage:

No direct connection is to be made to Infiltration Basin 3. If any drainage connection is proposed to the existing surface water system, a detailed drawing is to be submitted for approval. The integrity of the existing drainage basin is to be maintained, and care taken that no damage is caused.