

Recommendation Report for Planning Permission

REF NO: LU/77/15/PL

LOCATION: Land adj. 18 Mill Lane
Littlehampton

PROPOSAL: Erection of 2no detached dwellings with garages, resubmission of application
ref: LU/316/14/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal comprises the erection of two detached dwellings. The properties would be two storey four bedroom dwellings with garage space and hard surfacing and shared turning area to the front of each dwelling. Both dwellings 'front' onto Mill Lane.
SITE AREA	0.09 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fencing along road frontage. Hedging to rear.
SITE CHARACTERISTICS	The site is enclosed by fencing. 18 Mill Lane is a detached bungalow on the south side of Mill Lane. The site is bordered by residential development to the north and west and by commercial development to the northeast. South of the site a development of 24 dwellings has recently been completed.
CHARACTER OF LOCALITY	Principally residential. There is residential development to the north and west of the application site with a mix of dwelling types. The dwellings to the west are predominantly bungalows along the road frontage. To the east is mainly redundant horticultural development on a large scale.

RELEVANT SITE HISTORY

LU/339/10/	3 no. detached dwellings with garages including a replacement garage to 18 Mill	Approved Cond + S106
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	Lane (This is a departure from the development plan)	12-01-2011
LU/316/14/PL	Erection of 3No. detached dwellings with garages. Resubmission of unimplemented permission LU/339/10	Withdrawn 27-01-2015
LU/426/81	Outline erection of 3 dwelling	Refused 09-09-1981
LU/121/84	O/L app for erection of new bungalows	Refused 25-04-1984

REPRESENTATIONS

Representations received:

Littlehampton Town Council
No Objection

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Drainage Engineer - No Objection. Standard conditions suggested

County Highways - No highway objection. The site benefits from an extant planning permission for 3 dwellings.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area
Arundel & Littlehampton Strategic Gap

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN2
GEN3
GEN7
GEN12
AREA10

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Parking in New Development
Strategic Gaps

Publication Version of the Local Plan (October 2014):

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

SD SP2 Built-Up Area Boundary
SD SP3 Gaps Between Settlements
C SP1 Countryside

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no specific policies in the Littlehampton Neighbourhood Plan relating to this site or type of development.

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

The site is outside the built up area boundary and within a Strategic Gap.

The site benefits from a previous planning approval for 3 dwellings when residential development of the site was accepted. The Local Plan was adopted in 2003 and covers the period up to 2011. The Emerging Local Plan indicates that the site abuts a committed strategic housing allocation site.

The proposals are considered to be in accordance with GEN2 and GEN3 of the adopted Local Plan. Proposals are contrary to these policies if there is conflict with Sections 2 and 3 of the Local Plan. In this case, the only relevant policy is AREA10 and conclusions on this are reached below. As it is concluded that there is no harm to AREA10, the proposals comply with GEN3.

Whilst the site is outside of what is defined as the built up limits in the Local Plan, the application site comprises previously developed land and is adjoined on all sides by existing and permitted development. There is therefore no possible way of suggesting that the application proposals would harm the purposes of the Strategic Gap (AREA10) as there is no encroachment into the countryside or any extension of built form.

CHARACTER

Policy GEN7 of the Arun District Local Plan requires development proposals to display a high quality design and respond positively to the identified characteristics of the area. The proposed properties are on acceptable plot sizes and have adequate rear amenity areas. The previous application for 3 dwellings was withdrawn. It was likely that the application would have been refused since the garden sizes were too small and the development would have appeared cramped and out of keeping. The internal and external space standards of the Emerging Local Plan were not met. The external space standards set out in policy DDM3 require new 4 bedroom detached dwellings to have minimum rear garden depths of 10m and useable private amenity space (excluding parking and turning areas) of 100 sq metres. Plot 1 has a garden depth of 10m and Plot 2 is 9.2m at its deepest point. Plot 1 has a garden area exceeding 100 sqm and plot 2 has a garden of approx. 97sq m and a rear garden depth of only 9.2m. Although this is slightly shorter than the standard it is considered acceptable given the shape of the plot and that historically 3 dwellings have been approved on the site.

The dwellings are also set back from the site frontage a minimum of 3.6m which reduces their

visual prominence in the street scene and they are set back slightly behind the front elevation of the bungalow to the west preserving the present visual gap forward of properties. It is considered that a reasonable gap would be provided between the bungalow to the west and the dwelling on plot 1. The properties to the west are bungalows with much lower ridge heights and the retained gap in ridge height provides a visual break and prevents the new dwellings overpowering these existing properties.

The proposal complies with the internal space standards in that the gross internal floor areas are 116 sq m which is compliant with the requirement for a 4 bedroom 5 person unit of 100 sq m as set out in policy DDM2 of the Emerging Local Plan.

RESIDENTIAL AMENITY

The proposed layout will have no significant impact upon adjoining properties. The plot nearest to 18 Mill Lane is 13m from the dwelling and the first floor window in the side elevation has only one window serving a habitable room facing the application site which is set forward on the side elevation preventing direct overlooking over the garden area. In any case 10m is provided to the side site boundary which is considered an acceptable distance to preclude adverse overlooking.

The properties on the opposite side of Mill Lane are at a higher level and behind very mature boundary landscaping to Mill Lane. There is therefore no adverse impact on residential amenity to these properties.

The proposed layout when considered in relation to the layout approved on the site to the rear would be sufficient space within both application sites for landscaping to preserve amenity. 3 dwellings approximately 1.5m further from the rear boundary have previously been approved on this site.

TECHNICAL ISSUES

The application is accompanied by an Ecological Survey Report and a Design & Access Statement. There are no significant tree specimens on the site that would be cause for concern with the proposals, the surveys conclude that there is very low potential for protected species and WSCC have raised no objection in respect of the modest intensification of the access.

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

HUMAN RIGHTS ACT

FOR APPROVAL

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 number and description) 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).

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 06revA and 03 revG.

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 development shall be carried out in full accordance with the recommended measures set out in the Ecological Appraisal report by Hampshire Ecological Services Ltd, dated April 2014 submitted in support of the application.

Reason: to conserve and enhance local biodiversity, in accordance with para 118 of the NPPF.

- 4 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft), which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall be carried out unless and until a schedule of materials and finishes and samples of such 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 building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 7 The buildings shall not be occupied until the parking spaces, turning facilities and garages 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/and garaging 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.

- 8 The access from the site to the public highway shall be designed, laid out and constructed with visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 9 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.

- 10 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.