



Public Document Pack

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Committee Manager Carley Lavender (Extn 37547)

18 March 2021

DEVELOPMENT CONTROL COMMITTEE

A meeting of the Development Control Committee will be held virtually via Zoom on **Wednesday 31 March 2021 at 1.30 pm** and you are requested to attend.

Members: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be viewed here [click here](#)

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA IS AVAILABLE FOR INSPECTION ON LINE AT www.arun.gov.uk/planning<<http://www.arun.gov.uk/planning>>

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a)** the application they have the interest in
- b)** whether it is a pecuniary, personal and/or prejudicial
- c)** the nature of the interest
- d)** if it is a prejudicial or pecuniary interest, whether they will be exercising their right to speak to the application

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process as set out in the Council's adopted Planning Local Code of Conduct for Members and Officers at Part 8 of the Constitution. A copy of the Planning Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

(Pages 1 - 10)

To approve as a correct record the Minutes of the meeting held on 3 March 2021.

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

PLANNING APPLICATIONS

6. LU/328/20/PL - WINDROOS NURSERY, WORTHING ROAD, LITTLEHAMPTON BN17 6LY

(Pages 11 - 16)

7. LU/350/20/PL - 215 TIMBERLEYS, LITTLEHAMPTON BN17 6QD

(Pages 17 - 24)

PLANNING APPEALS

8. APPEALS

(Pages 25 - 28)

OFFICER REPORT UPDATES

Will be circulated on the day of the meeting should there be any.

BACKGROUND PAPERS

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers:

Neil Crowther (Ext 37839) email neil.crowther@arun.gov.uk
Daniel Vick (Ext 37771) email dan.vick@arun.gov.uk
Juan Baeza (Ext 37765) email juan.baeza@arun.gov.uk
Claire Potts (Ext 37698) email Claire.potts@arun.gov.uk

Note : Reports are attached for all Members of the Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

These meetings are webcast live.

To watch recorded webcasts use the following link - Development Control [Webcast Page](#)

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DEVELOPMENT CONTROL COMMITTEE

3 March 2021 at 2.30 pm

Present: Councillors Bennett (Chairman), Ms Thurston (Vice-Chair), B Blanchard-Cooper, Bower, Charles, Coster, Edwards, Mrs Hamilton, Kelly, Lury, Mrs Pendleton, Roberts, Tilbrook, Mrs Warr and Mrs Yeates

Councillor Huntley was also in attendance for all or part of the meeting.

Apologies: None

Chairman's Announcement

The Chairman announced that after consultation with the Committee the new start times for the Committee would be 13:30pm for the remaining meetings of this municipal year.

503. DECLARATIONS OF INTEREST

The Chairman declared a personal interest in item 15 [R/227/20/PL Laundry, 38 Oakhurst Gardens, Rustington BN16 3AN] as a member of Rustington Parish Council.

Cllr Mrs Yeates declared a prejudicial interest in item 14 [P/1/21/PL Land at Summer Lane, Pagham] as she knew one of the applicants.

504. MINUTES

Councillors Coster and Mrs Pendleton wanted it clarified, that in Minute 456 [*SD8 – Ford Strategic Site Allocation, Masterplan Document Endorsement Report*] in the last paragraph the name of the road should read Horsemere Green Lane and not Horsemere Road. It was also mentioned that the direction of the road referenced in the minute should state a direction of north-east, not east.

The Minutes of the meeting held on 3 February 2021 were then put to the vote and approved by the Committee, it was also agreed that the Chairman would sign the minutes as soon as practicably possible.

505. AB/109/20/HH WHITE COTTAGE, 32 KING STREET, ARUNDEL BN18 9BW

2 Public Speakers

Alistair Smith - Objector

Jennifer & Anthony Moore – Applicant

Rear single storey extension for new kitchen and living area, internal alterations, new and adjusted windows and doors, part replacement roof structure with 2 x conservation roof lights to the main building, re-covering of main roof and partial re-build of the detached garage with replacement pitched roof. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

The Planning Officer presented his report including matters detailed in the update report. This was followed by two Public Speakers and response to comments made was provided by the Planning Officer.

On turning to the debate, one member spoke and stated that he was pleased with the actions that had been taken by the applicant, neighbour and officers to resolve the previous disputes that had been raised.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

506. AL/79/20/OUT LAND WEST OF HOOK LANE, HOOK LANE, WESTERGATE PO 20 ETE

2 Public Speakers

Alistair Smith - Objector

Jennifer & Anthony Moore – Applicant

Rear single storey extension for new kitchen and living area, internal alterations, new and adjusted windows and doors, part replacement roof structure with 2 x conservation roof lights to the main building, re-covering of main roof and partial re-build of the detached garage with replacement pitched roof. This application affects the character & appearance of the Arundel Conservation Area & may affect the setting of listed buildings.

The Planning Officer presented his report including matters detailed in the update report. This was followed by two Public Speakers and response to comments made was provided by the Planning Officer.

On turning to the debate, one member spoke and stated that he was pleased with the actions that had been taken by the applicant, neighbour and officers to resolve the previous disputes that had been raised.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

507. AW/3/21/HH 4 SHORECROFT, ALDWICK PO21 4AS

4 Public Speakers

- 1- Cllr Alan Smith – Aldwick Parish Council
- 2 – Stan Woolhead - Objector
- 3 – Danielle Delaney – Applicant
- 4 – Tom Hayes - Supporter

Single storey rear extension and loft conversion with enlarged rear dormer window and two modest front facing dormer windows. Alterations to fenestration, Canopy to side elevation, Planter and replacement handrail to roof terrace.

The Planning Officer presented his report including matters detailed in the update report. This was followed by Public Speakers and response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of points were raised including concerns regarding the Dormer windows at the front of the property and did these comply with the Council's design guide as well as concerns raised relating to the impact on the street scene, the glass obscuring at the back of the property as well as discussion in reference to these windows being non-openable.

The Planning Officer and the Group Head of Planning both provided members with answers to all points raised during the debate.

On further discussion regarding the windows at the back of the property it was then proposed and duly seconded that a condition be added to the application to ensure that the Dormer windows at the back of the property were to be non-openable and fully obscured glazing.

The Planning Officer then presented Members with the new condition to be added to the recommendation and this was that the rear Dormer hereby approved shall have non-openable and fully obscured glazed windows to be installed prior to the first use of the rooms the windows shall be retained as obscured glazed and non-openable in perpetuity, in line with DDM1 and DDM4 of the Local Plan

Development Control Committee - 3.03.21

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report, report update and subject to the conditions outlined.

508. BN/151/20/PL LAND AT REAR OF POACHERS, EASTERGATE LANE, EASTERGATE PO20 3SJ

1 Public Speaker

1 – Mr Occleshaw – Applicant

Erection of 1 No. 4 bedroom detached dwelling with detached carport (resubmission following BN/46/20/PL). This site is in CIL Zone 3 & is CIL Liable as new dwelling & is a Departure from the Development Plan.

The Planning Officer presented his report. This was followed by a Public Speaker and response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of points were raised including the reasons for the refusal and whether these were both consistent with previous approved applications and strong enough in face of an appeal, access issues and width of the drive, the nature of the built up area boundary, support for this application from the parish council, no objections from neighbours, the generous garden to house ratio and the carbon negative nature of the application. The Planning Officer provided members with answers to all points raised during the debate.

In response to the Chairman asking for advice in terms of the committee going against the officer recommendation, the Group Head of Planning clarified that in order to make a lawful decision the committee would need to be very specific as to why they wanted to disagree with the officer's recommendation and, in order to approve the application, would need to reference the specific policies and material considerations. The Arun District Council Solicitor added that it would be departure from the development plan and that this would also have to be detailed in the reasons as well.

On the Chairman's casting vote

The Committee

RESOLVED

That the application be REFUSED as detailed in the report.

(Chairman called an adjournment to the meeting at 16:34pm and the meeting resumed at 16:50pm)

509. K/55/20/PL 57 COASTAL ROAD, KINGSTON BN16 1SN

2 Public Speakers

- 1 – Cllr Roger Wetherall – Kingston parish Council
- 2 – David Sawers - Objector

Demolition & erection of 1 No. dwelling. This application is in CIL Zone 4 and is CIL Liable as new dwelling.

The Planning Officer presented his report. This was followed by Public Speakers and response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of points were raised including the impact of the design on both the road and Greensward facades, the design moving the building line nearer to the Greensward and the detrimental effect this might have, whether the style of design was in keeping with the pre-existing road architecture and whether the proposed materials were appropriate for the setting. The Planning Officer provided members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be REFUSED as the proposed dwelling by reason of its increase in rear projection and alien materials will have an unacceptable effect on the character and appearance of the area in conflict with policies D DM1 and D SP1 of the Arun Local Plan and policy KPNP7 of the Kingston Neighbourhood Plan.

510. LU/13/21/PL 125 BAYFORD ROAD, LITTLEHAMPTON BN17 5HW

(Cllr Blanchard-Cooper declared a personal interest in this item as a Member of Littlehampton Town Council)

3 Public Speakers

- 1 – Cllr Freddy Tandy – Littlehampton Town Council
- 2 – Adrian Bradford – Objector
- 3 – Gareth Giles – Agent

Change of use of existing single dwelling house (C3) to an 8-bedroom House in Multiple Occupation (Sui Generis).

Development Control Committee - 3.03.21

The Planning Officer presented his report. This was followed by Public Speakers and response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of points were raised including parking concerns, one Member asked if a Parking survey had been completed in the area recently, the majority of the debate concentrated on the parking issues that could be presented with a House of Multiple Occupation (HMO) of this size being approved with only 2 parking spaces at the rear of the property included in the application an additional concern with the parking spaces at the rear of the property was that would this leave sufficient open-space for a HMO of this size. Member's asked for clarification on the open-space concern and the Planning Officer advised that the size of the Garden inclusive of the 2 parking spaces was sufficient and not a valid refusal reason.

Further debate followed, and the Chairman expressed that the Committee were in a difficult position with this application.

The Planning Officer provided members with answers to all further points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

511. LU/295/20/PL 15 BEACH ROAD, LITTLEHAMPTON BN17 8HZ

1 Public Speaker

1 – Graham Nicolls - Agent

Full Planning application incorporating permitted change of use of part of the existing office (A2 Professional & Financial Services) & use to form 2 No. dwellings (C3 Dwelling houses) on the two upper floors (resubmission following LU/107/20PL). This site is in CIL Zone 4 (Zero Rated) as flats.

The Planning Officer presented his report. This was followed by Public Speakers and response was provided by the Planning Officer.

Members then turned to the debate on the application where a number of points were raised including the permitted development rights that the applicant had without the approval of this application and the external space available once converted to flats was a concern.

The Planning Officer confirmed that there were balconies proposed in the application to allow for further external space and that it should also be considered that the coastal promenade was close to the location.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

512. LU/327/20/PL 38 ARUNDEL ROAD, LITTLEHAMPTON BN17 7DB

No Public Speakers

Application under Regulation 3 of the Town and Country Planning (General Regulations) 2015 for the change of use of single dwelling house to 2 No. residential apartments & associated external alterations. This site is in CIL Zone 4 (Zero Rated) as flats.

The Planning Officer presented his report to members.

Members then took part in a full debate on the application where a number of points were raised around the issue of parking. These included whether the Council was contravening its own parking standards and risked creating potential parking issues and access difficulties for larger vehicles. It was noted that where the council's parking standards had previously been applied, these had been rejected by a planning inspector. The creation of off-street parking would have involved part-removal of a flint wall, a characteristic of the area. Proximity to both bus and train options and public parking spaces was considered sufficient mitigation for approval. The possibility of car-free development, no car conditions on occupants and residents permit parking were mentioned as topics for possible future discussion.

Concerns were also raised about the foundations of the current extension and whether each apartment had a designated garden.

The Planning Officer provided members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

Development Control Committee - 3.03.21

513. P/1/21/PL LAND AT SUMMER LANE, PAGHAM

(Cllr Mrs Yeates declared a prejudicial interest in this item and left the meeting before discussion of the application and Cllr Mrs Hamilton declared a personal interest in this item during the debate as member of Pagham Parish Council)

1 Public Speakers

1 – Cllr David Huntley – Ward Member

Material change of use of land from agricultural use to use for open space. This application is in part a Departure from the Development Plan, affects a Public Right of Way & is in CIL Zone 5 (Zero Rated) as other development.

The Planning Officer presented his report including matters detailed in the update report. This was followed by one Public Speaker and a response by way of clarification was provided by the Council's Solicitor.

Members then took part in a full debate on the application where a number of points were raised including if this application was approve then the landowners would have two approved applications to pick from, one member raised that the proposed change of use of the land was contrary to the National Planning Policy Framework (NPPF), the local plan TFP1 and the Arun Local Plan and for these reasons highlighted the refusal reasons were clear. Clarification was sought with regard to what effect would approving this application have on the current approve application.

The Council's Solicitor and the Group Head of Planning both provided members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be REFUSED as detailed in the report and report update.

514. R/227/20/PL LAUNDRY, 38 OAKHURST GARDENS, RUSTINGTON BN16 3AN

[Cllr Bennett declared a personal interest in this item as a member of Rustington Parish Councillor]

4 Public Speakers

- 1 – Cllr Peter Warren – Rustington Parish Council
- 2 – Emily Scott – Agent
- 3 – Peter Cleveland – Supporter
- 4 – Cllr Terry Chapman – Ward Member

Demolition of existing laundry building lean to & shed, construction of a ground & first storey accommodation building housing 3 No. sheltered housing flats & construction of a single storey laundry building including upgrade of associated clothes drying area & surrounding landscaping. This site is in CIL Zone 5 (Zero Rated) as sheltered housing.

The Planning Officer presented his report including matters detailed in the update report. This was followed by Public Speakers and a response was provided by the Planning Officer.

Members then took part in a full debate on the application where a number of points were raised including concerns over the amenity space, an unacceptable overlook for the neighbours and the distances documented versus the Arun Design Guide acceptable distance. There was also a concern raised regarding the trees that would be planted to create a visual screen and could consideration be given to fast growing trees.

The Planning Officer provided members with answers to all points raised during the debate.

The Committee

RESOLVED

That the application be APPROVED CONDITIONALLY as detailed in the report and report update subject to the conditions outlined.

515. APPEALS

(Cllr Mrs Pendleton had left this meeting at the start of this item).

The Committee received and noted the appeals list within the agenda.

(The meeting concluded at 19.07pm)

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PLANNING APPLICATION REPORT

REF NO: LU/328/20/PL

LOCATION: Windroos Nursery
Worthing Road
Littlehampton
BN17 6LY

PROPOSAL: Variation of condition 20 imposed under LU/229/10/ to amend wording so as to remove specific reference to 'cars' within the condition & replace word with 'vehicles' in each instance where it features.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Variation of condition 20 replacing the word 'cars' with 'vehicles' in order to allow for the parking of vehicles other than cars.

Condition 20 of LU/229/10 currently reads:
'No dwelling shall be occupied until space has been laid out within the site for the parking of cars in accordance with a drawing and schedule to be submitted and approved in writing by the local planning authority. These areas shall thereafter not be used for any purpose other than the parking of cars.'

SITE CHARACTERISTICS The change is being sought to make it clear to prospective occupiers who may have vans or other vehicles as their works vehicle so they are able to use the parking space provided.

The application site is located and accessed to the north side of the A259 Worthing Road, west of Watersmead Business Park and east of the Toddington residential development.

CHARACTER OF LOCALITY The site has now been developed for housing and the units are in the process of all being occupied.

The wider residential area to the south side of the site is characterised by a mixture of detached and semi-detached bungalows, and two storey dwellings.

To the east of the site is Watersmead Business Park, which is the headquarters of The Body Shop PLC. which contains three industrial units (mixture of two and three storeys) and a three storey office block.

Adjacent to the site and to the north and west sides, is Elysian Fields (Taylor Wimpey & David Wilson Homes Development).

RELEVANT SITE HISTORY

LU/201/16/RES	Approval of reserved matters following outline consent LU/229/10/ for appearance, landscaping, layout & scale for 84 No. dwellings	ApproveConditionally 05-05-17
LU/229/10/	Outline application for redevelopment of site: Demolition of 2 bungalows, workshop, glasshouses and incidental development with erection of 91 dwellings with improved means of access onto Worthing Road (including closure of existing 2 accesses) with all other matters reserved.	App Cond with S106 28-09-11
LU/179/20/DOC	Approval of details reserved by condition 20 imposed under LU/122/10/ for the layout of car parking.	DOC Approved 13-08-20

Car parking spaces were approved by LU/179/20/DOC. This application does not alter anything other than the wording to what was approved by condition number 20.

REPRESENTATIONS

Littlehampton Town Council - Objection.

- In view of the proximity of the development to an industrial estate, there were concerns that this would increase the volume of heavy traffic in the vicinity.
- The original wording of the condition expressly referenced cars, this was considered entirely appropriate for the residential environment and that if approved would set a precedent.
- Concerns that allowing large vehicles on the estate could impede access for amenity and emergency vehicles through the site.
- It would increase the amount of heavy traffic in the area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The objections from the Town Council are not justifiable reasons for refusal.

The commercial uses elsewhere are disconnected to this site and therefore not relevant.

It is unreasonable to single out any other vehicles from using these parking spaces. The Council's new parking guide uses the generic vehicle term in its guidance and typical conditions in use now tend to refer to vehicles.

There is no evidence to suggest that there will be a pre ponderance of large vehicles as it expected that the majority of householders will be car owners. In any event there are no planning controls to exclude those with other vehicles (such as work vans or motorbikes) parking in this residential development.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

PD RESTRICTION

NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

No policies in the Littlehampton Neighbourhood Plan are considered relevant to 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 considered to comply with relevant Development Plan policies in that no unacceptable harm to the character of the area or nearby residential amenities would be caused by allowing vehicles, other than cars to use the car parking spaces provided.

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 parking spaces agreed to be supplied for this development have been built out in accordance with details agreed with the Council. The applicants have submitted this application to delete the word 'cars' from the condition pertaining to these spaces so that householders can, if they wish, use the spaces to park other type of vehicles without breaching the condition and therefore being open to enforcement action.

Many households park vans or motorbikes on driveways and, taking the wording of the condition literally, they would be unable to do this. A change to refer to 'vehicles' is therefore entirely reasonable. These vehicles result in no additional residential or visual impacts and are entirely typical of every residential development in the District.

HIGHWAY SAFETY

The proposal has not raised any objection from West Sussex County Highways Team and is not considered to cause any additional harm to highway safety. There would be no planning controls to address a situation where bigger vehicles were to park on the road because the parking space provided is not sufficiently large to accommodate them.

The recently adopted Arun parking guide does not distinguish in its terminology between vehicles when imposing parking standards when applied to residential developments. Indeed where parking conditions are used in planning approvals they largely refer to 'parking spaces and garages shown on the submitted plans.... The areas of land so provided shall not thereafter be used for any purpose other than the parking and garaging of vehicles.'

NATIONAL PLANNING POLICY GUIDANCE TEST FOR CONDITIONS

To restrict the use of the spaces for the parking by cars only would not be reasonable as it would exclude those with other type of vehicles from using the spaces provided.

SUMMARY

The proposed change to the condition is acceptable for the reasons given above and is recommended 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 (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.

RECOMMENDATION

APPROVE CONDITIONALLY

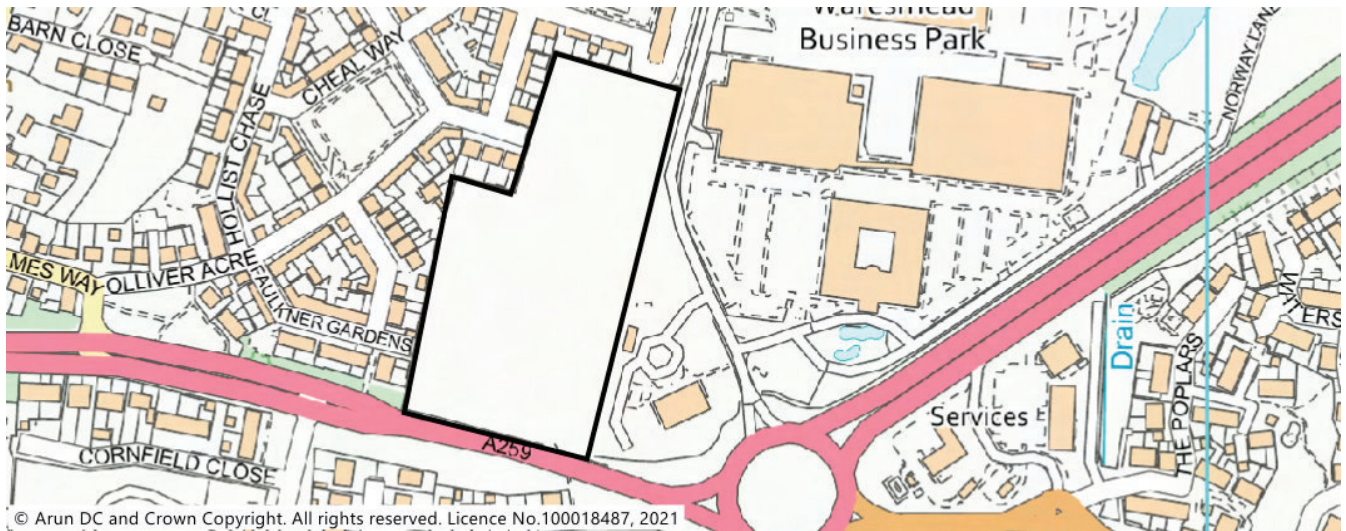
- 1 Condition 20 of LU/229/10 to now read:
 'No dwelling shall be occupied until space has been laid out within the site for the parking of vehicles in accordance with drawing 18072 - P.05.004 - P15. These areas shall thereafter not be used for any purpose other than the parking of vehicles.

 Reason: To accord with parking requirements in accordance with Policies T SP1 and D DM1 of the Arun District 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 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.
- 3 INFORMATIVE: This change only applies to condition 20 of approval LU/229/10. All other conditions pertaining to this approval remain in force.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.

LU/328/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO: LU/350/20/PL

LOCATION: 215 Timberleys
Littlehampton
BN17 6QD

PROPOSAL: Erection of 1 No new dwellinghouse.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. dwelling within the residential garden of 215 Timberleys. It will project from the northern face of the host dwelling by approximately 3.97m at the same height as the host dwelling.
SITE AREA	Approximately 220.sq.m.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to its front boundary, with a mixture of mature foliage, and fencing to the other boundaries of the site.
SITE CHARACTERISTICS	The site is part of a residential garden to 215 Timberleys.
CHARACTER OF LOCALITY	The area is part of a residential street, comprising a uniform character of terraced dwellings 3 storeys, set in medium plots set back from the highway by gardens/parking areas.

REPRESENTATIONS

Littlehampton Town Council - Objection.

Considered that the plans lacked clarity regarding the steps to overcome neighbouring amenity and design issues, particularly in respect of the side entrance and window that would be lost from the existing premises if the new development were permitted.

No representations received from occupiers of nearby dwellings.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The comments raised will be addressed in the conclusion section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection subject to conditions.

Ecology - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions suggested by the Ecologist will be applied, however not all of the conditions suggested by Environmental Health are considered to be reasonable so only some will be applied. A plan has been submitted with details to provide the details requested by the Ecologist.

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
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
SDSP2	SD SP2 Built-up Area Boundary
ENVSP1	ENV SP1 Natural Environment
ECCSP2	ECC SP2 Energy and climate change mitigation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

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

Littlehampton Neighbourhood Plan 2014 Policy 22 Design of New Development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

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."

Whilst the proposal is considered to comply with relevant Development Plan policies in that the proposed dwelling is seen to be harmonious with the character of the area and have no significantly harmful impact upon the residential amenities of the nearby occupiers, it is in conflict with one element of policy T SP1 of the Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan in that off street car parking is not provided in accordance with the Council's guidelines.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan, namely that whilst the proposal does not provide the required off-street parking there is capacity within the locality which will ensure that the proposal would not have a severely harmful impact upon highway conditions within the area. In addition this is a sustainable location within the built up area of Littlehampton where there are other non vehicle borne means of transport within walking distance.

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity and parking. In this case, the key policies of the Arun Local Plan are D SP1, D DM1 and T SP1 of the Arun Local Plan and Policies 1, 2 and 22 of the Littlehampton Neighbourhood Development Plan.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 15 aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

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.

Policy 1 of the Littlehampton Neighbourhood Development Plan states that permission should be granted where applications accord with the relevant policies in the Neighbourhood Plan. It goes on to set out circumstances where an applications conflict with Policy 1 would be acceptable. The proposal accords with this policy in that whilst the proposal does not accord with the development plan, there are materials considerations of which allow the proposal to be acceptable.

Policy 2 of the Littlehampton Neighbourhood Development Plan seeks to focus development within the built up area boundary. The proposal is in accordance with this policy due to the siting of the application

site being within the built up area boundary.

Policy 22 of the Littlehampton Neighbourhood Development Plan relates to the design of new development and its relationship with the transport. This includes provision for car parking and the width of roads and carriageways.

DESIGN

The proposed dwelling seeks to project from the Northern elevation of an existing row of 5 dwellings. The design of the proposed dwelling will be very similar to that of the existing dwelling at 215 Timberleys, and the other dwellings in this row of houses. Furthermore, the scaling matches that of the other dwellings along the row of houses in that the proposal is 8.2m high, 3.97m wide and 10.55m deep. As such, it will be in keeping with the neighbouring dwellings and the character of the area. The street scene is formed of a consistent construction of dwelling size and scale, of which this dwelling will match by infilling a gap on the side 215 Timberleys. The host property, has a larger garden than other dwellings within the terrace and can therefore accommodate a dwelling without upsetting the current spatial pattern of the terrace.

The Northern boundary of the proposed dwelling would face towards Worthing Road. At its closest point, the proposed dwelling is approximately 1m from the Northern boundary of the application site, then widening to 5m. Whilst this is close to the street scene of this highway, it is not considered that the proposal would give rise to any unduly dominant appearance within this street scene, due to the separation distance provided by the planting and the foliage present between the site boundary and this public footpath mitigating any potentially harmful impact.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect 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. The proposal will increase the length of the row of houses to six, which will accord with the neighbouring row of dwellings, which is considered to allow the dwelling to appear harmonious with the character of the locality in accordance with D DM1 of the Arun Local Plan, Section P of the Arun Design Guide and Paragraph 124 and 127 of the National Planning Policy Framework which relate to the creation of well-designed places through design.

The development is therefore considered to comply with policies D DM1, D SP1 of the Arun Local Plan, Section P of the Arun Design Guide and paragraphs 124 and 127 of the National Planning Policy Framework.

SPACE STANDARDS

The new dwelling will have an internal floor area of 108.24sq.m which is 0.24sq.m. over a the minimum requirement of a three bedroom, six person, three storey dwelling.

The rear garden would be 11.6m in length (at its longest point) and is significantly larger than other gardens found elsewhere in the area, which complies with guidance within Section H of the Arun Design Guide.

RESIDENTIAL AMENITY

The proposed development would not project forward, nor project beyond the rear of the adjoining dwelling, 215 Timberleys and therefore would not lead to overshadowing or overbearing impact upon said neighbouring dwelling as the proposal aligns with the front and rear faces of the adjacent dwelling. Furthermore, the proposed development does not result in any significantly harmful loss of privacy to the occupiers as the proposed openings either face towards the street scene, or to the rear within the rear garden of the proposed garden.

The impact on residential amenity of neighbouring properties would be acceptable and in accordance with policy D DM1 of the Arun Local Plan.

PARKING AND TRANSPORT

The proposed dwelling is in an established residential area, and it is not considered that the increase in associated vehicular movements would result in a severely harmful impact upon the local highway. The proposed dwelling provides for one parking space when the parking demand is for 3 spaces, as stated by the Arun Parking Standards Supplementary Planning Document. However, this is not uncommon for the area, as most dwellings along the road provide only one space. Also within the area there is provision for communal parking and there are no on-street parking restrictions operating.

Whilst the proposal does not comply with one aspect of T SP1 of the Arun Local Plan and policy 22 of the Littlehampton Neighbourhood Plan in that it fails to provide the required off street parking, for the reasons given above this is acceptable and not a reason on its own to refuse this application and would there are sound reasons why strict compliance with the guidelines would not be robust. The proposals would clearly not result in a severe impact.

SUMMARY

The development is considered to be in character with surrounding development and to have an acceptable impact on neighbouring properties and is therefore recommended for approval subject to the following conditions.

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

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.

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:

- Proposed Block Plan - 1902-07 - OCT 2020
- Proposed Site Plan and Sectional Front Elevation Through Timberleys and Worthing Road - 1902-08 - July 2020
- Proposed Ground Floor & First Floor Plan - 1902-09 - Reg G
- Proposed Second Floor and Roof Plan - 1902-08 - Rev. C
- Proposed Elevations - 1902-11 - Rev. D
- Proposed Site Plan Indicating Ecological Improvements - 1902-14 - Mar 2021
- Email - LU/350/20/PL - Details of Ecological Measures - 11/03/2021 - 15:18

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the residential unit and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 4 Prior to the occupation of the residential unit, details of the construction and location of a hedgehog nesting box, bat box and bird box should be submitted to, and approved in writing by the Local Planning Authority. These details should then be installed prior to the occupation of the dwelling and be remained in perpetuity.

Reason: To protect the biodiversity and natural environment of the area, in accordance with ENV SP1 of the Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and details of the fencing and landscaping (including that to be retained) for the proposed development has been submitted to, and approved by the Local Planning Authority with the details thereby approved used in the construction of the development.

Reason: To protect the character of the area, in accordance with D DM1 of the Arun Local Plan.

- 6 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning

Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 7 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 8 INFORMATIVE: In relation to sound insulation between the proposed separate residential dwellings, it is assumed that Building Control will ensure that the Building Regulations, Approved Document E is applied.
- 9 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 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.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website by going to <https://www.arun.gov.uk/weekly-lists> and entering the application reference or directly by clicking on this link.

LU/350/20/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AW/131/19/T Received: 12-07-19	12 Hunters Close Aldwick Bay Estate Aldwick Reduce height by 8m to 1 No. Lombardy Poplar tree. Written Representations PINS Ref: APP/TPO/C3810/7494
BE/109/19/OUT Received: 15-02-21	Land east of Shripney Road & south of Haddan House Shripney Road Bersted Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area. Informal Hearing PINS Ref: APP/C3810/W/20/3264105
BE/69/20/CLP Received: 03-12-20	3 Homing Gardens Bersted Lawful development certificate for the proposed replacement of current garage/workshop. Written Representations PINS Ref: APP/C3810/X/20/3261144
BN/128/19/OUT Received: 01-12-20	Land Adjacent to Highfield House Yapton Road Barnham Application for outline planning permission for development of 70 bed Care Home and 14 Assisted Living bungalows with associated car parking, landscaping and access. Departure from the Development Plan - development in the Countryside. This application affects the setting of a Listed Building. Written Representations PINS Ref: APP/C3810/W/20/3257996
BN/46/20/PL Received: 12-01-21	Land Rear Of Poachers Eastergate Lane Eastergate Construction of 1 No. 4-bed detached dwelling with detached carport. This application is a Departure from the Development Plan. Written Representations PINS Ref: APP/C3810/W/20/3262770
BR/31/20/PL Received: 12-10-20	77 Aldwick Road Bognor Regis Part change of use of ground floor & formation of a first floor rear extension to create 2 No. self-contained studio flats with associated refuse/recycling & cycle store (re-submission following BR/233/19/PL) Written Representations PINS Ref: W/4001823
BR/347/19/T Received: 20-03-20	4 Pinewood Gardens Bognor Regis Fell 1 No. Liquid Amber tree.

Informal Hearing

PINS Ref: APP/TPO/C3810/7809

BR/86/20/PL

Received: 03-03-21

Aldwick House Care Home 41-45 Nyewood Lane Bognor Regis

Part change of use from a 32-bed nursing home (C2 Residential Institutions) to a 38-bedsit House in Multiple Occupation (sui generis) comprising 24 No single person & 14 No two-person bedsits along with separate shower rooms & wcs, demolition of rear conservatory & store & erection of single storey rear extension & with minor external alterations to side elevations & insertion of 4 No roof lights on rear elevation & insertion of dormer window serving Room 38 (as detailed in amended plans dated 30 April 2020).

Informal Hearing

PINS Ref: APP/C3810/W/20/3264847

FG/70/20/HH

Received: 30-11-20

9 Telgarth Road Ferring

Hip to Gable remodel of exiting loft conversion.

Written Representations

PINS Ref: D/4001600

LU/257/20/HH

Received: 14-01-21

2 Meadow Way Littlehampton

Two storey brick side extension under tiled roof

Written Representations

PINS Ref: APP/C3810/D/20/3264683

P/18/20/PL

Received: 16-12-20

Land west of Barton House Manor Park Pagham

Change of use from highway land to residential use for the development of 4 No. 3 bed terraced houses with associated parking & access. This application affects the setting of a listed building.

Written Representations

PINS Ref: APP/C3810/W/20/3261859

R/117/20/OUT

Received: 19-02-21

Croft Works 52 Mill Lane Rustington

Demolition of existing dilapidated storage buildings and erection of 4 no. semi detached 2-bedroom dwellings with associated gardens, car parking and landscaping. Outline application to consider matters of access, layout, scale and external appearance, with exception of landscaping which is to be a reserved matter.

Written Representations

PINS Ref: APP/C3810/W/20/3265511

R/156/20/PL

Received: 21-01-21

31 Albert Road Rustington

Extension and alteration of existing residential dwelling and subdivision to form 2no. two bedroom residential dwellings, together with formation of new vehicular access and entrance drive.

Written Representations

PINS Ref: APP/C3810/W/20/3263729

ENF/505/12/

Hales Barn Farm Arundel Road Norton West Sussex

Received:

Written Representations

PINS Ref: APP/C3810/C/18/3212055

ENF/115/17

44 Christchurch Crescent West Meads Aldwick

Received:

Written Representations

PINS Ref: APP/C3810/C/20/3249296

ENF/470/15/

Valhalla High Street Bognor Regis

Received:

Written Representations

PINS Ref: APP/C3810/F/20/3257966

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