

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.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>Variation of condition 20 replacing the word 'cars' with 'vehicles' in order to allow for the parking of vehicles other than cars.</p> <p>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.'</p> <p>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.</p>
SITE CHARACTERISTICS	<p>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.</p> <p>The site has now been developed for housing and the units are in the process of all being occupied.</p>
CHARACTER OF LOCALITY	<p>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.</p> <p>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.</p> <p>Adjacent to the site and to the north and west sides, is Elysian Fields (Taylor Wimpey &amp; David Wilson Homes Development).</p>

<b>RELEVANT SITE HISTORY</b>
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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.

<b>REPRESENTATIONS</b>
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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.

<b>CONSULTATIONS</b>
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**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

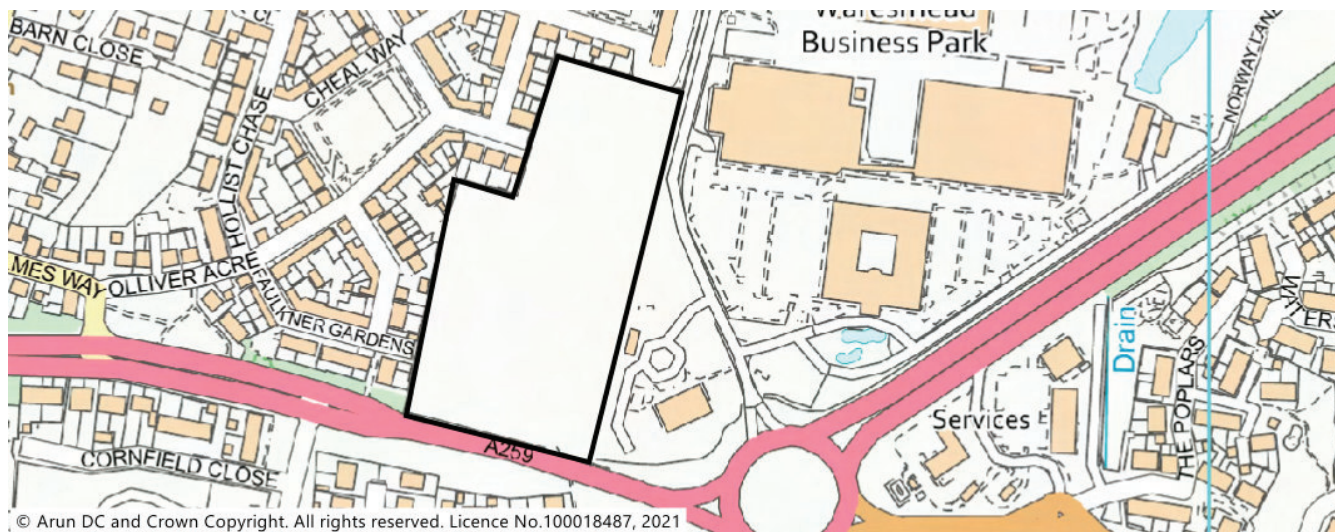
APPROVE CONDITIONALLY

- 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.](https://www.arun.gov.uk/weekly-lists)

**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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