

PLANNING APPLICATION REPORT

REF NO: AL/123/17/PL

LOCATION: Mildmay  
Hook Lane  
Aldingbourne  
PO20 3TE

PROPOSAL: Demolition of existing dwelling & erection of 1 No. dwelling (resubmission following AL/83/17/PL).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	Replacement two storey dual pent roof dwelling with green roof covering, sand stone and timber larch cladding external wall finish. Parking to front and garden to rear. The access to front was changed during the application on 20th Feb 2018 and is proposed to the south side of the east elevation.
SITE AREA	0.06 hectares (551m <sup>2</sup> approx.)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No change.
TOPOGRAPHY	Predominantly flat.
TREES	Sapling trees to front and rear of existing dwelling none of any significance which will be affected by the development.
BOUNDARY TREATMENT	1m wall to front (west), hedges and vegetation of varying heights to other boundaries with 1.8m open slat fencing in front.
SITE CHARACTERISTICS	Detached bungalow with gable end roof, parking to front and garden to rear with outbuilding to the very rear part of the garden.
CHARACTER OF LOCALITY	Semi-rural ribbon of residential development. Medium residential estate under construction to the east of the site. The area has no uniform design or character, the road is characterised by detached dwellings of varying heights, design and materials. Plant nursery to west.

<b>RELEVANT SITE HISTORY</b>
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AL/83/17/PL	Demolition of existing dwelling & erection of 1 No. dwelling.	Withdrawn 18-09-17
AL/81/17/HH	Erection of single storey outbuilding to rear garden	ApproveConditionally 06-10-17

Last application for a similar development withdrawn by agent.

Outbuilding to rear granted conditional permission in 2017.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Aldingbourne Parish Council

Aldingbourne Parish Council

The Parish Council objects to this proposal. It is contrary to Policy GEN3 of the Local Plan and ANP policies H2, H5 and H8 . The proposal does not contribute to the retention of local character and local distinctiveness.

Four letters of public representation, three (two letters from the same address) objecting on the grounds of:-

- Unacceptable impact on neighbouring residential amenity of adjoining property 'The Nook'; in terms of loss of light and overshadowing contrary to saved policy GEN7,
- Design of the house is out of character with the character of the area contrary to Aldingbourne NDP policies H2, H6 and H10.

Further comment:-

The Parish Council resolved to object to the revisions as follows (Please refer to the APC NDP policies) Policy H1 - Quality of design - Does not improve the character of the street scene. Flat roof not in the vernacular. Design too large for plot and no opportunity for screening or landscaping because of size and mass. Overall appearance is incongruous and out of keeping with surrounding properties. Materials and finish out of keeping with street scene.

One letter supporting the development stating:

"stringent effort to produce an attractive, neighbourly and functional design on what is potentially a difficult site"

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The development is for a replacement dwelling within a ribbon of residential development outside of the built up area boundary (BUAB), thus is not considered to be contrary to the requirements of saved policy GEN3.

Aldingbourne NDP policy H2 is considered to be complied with as it meets local need of a new dwelling, the dwelling does not deliver lifetime home standards but this section of the policy is designed for housing schemes not single dwelling replacements.

The parish state that the development does not enhance the appearance of the area, policy H1 does not require development to improve the character of the street but be of a 'high quality design that reflects local character and reinforces local distinctiveness'. The development is considered to meet policies H1

and H6 as the scale of the replacement dwelling is considered to be appropriate to the character of the settlement as it is similar in height to Bramleys and other dwellings on the road. Furthermore, it is set in from the side boundaries of neighbouring properties. This section of Hook Lane is formed of single and two storey dwellings many of which are higher than the proposed development. The lane has no identifiable style of character or local distinctiveness which lends to the modern design of the development owing to each property having an individual style and design. Furthermore, the development offers the same access to local facilities as the current dwelling and the use of the site for another dwelling is considered to be an effective and comprehensive use of the land.

Wildlife is not considered to be significantly impacted by the proposal and no protected species have been identified on the site. The development will provide off street parking for three vehicles for a three bedroom property which is an oversupply of parking. However, comments from WSCC are awaited as to the overall acceptability of the new access and parking arrangements.

Policy H5 was removed from the Aldingbourne NDP by the examiner at the Plan's inspection stage.

The development will include a well sized private rear amenity space, thus the development complies with Aldingbourne NDP policy H8.

## **CONSULTATIONS**

Archaeology Advisor

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

### **CONSULTATION RESPONSES RECEIVED:**

Archaeology Advisor

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

Engineering Services Manager - See Engineers (Drainage) comments.

Engineers (Drainage) - Please apply standard condition ENGD2A. Soakaways must be investigated for surface water disposal.

Southern Water Planning - Please apply standard informatives.

WSCC (Strategic Planning-Highways) - Comments awaited.

### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

It is considered reasonable and necessary to impose the pre-commencement surface water drainage condition as the site is within the Lidsey Waste Water Treatment Works (WWTW) catchment area and is at high risk of surface water flooding. However, it is noted that the proposed green roofs will reduce or slow surface water run off from the main roofs.

WSSC Highways comments should be available prior to DC committee.

## POLICY CONTEXT

Designation applicable to site:  
 Outside of the built up area boundary  
 Within the Lidsey (WWTW) catchment area

### DEVELOPMENT PLAN POLICES

#### Arun District Local Plan (2003):

GEN3	Protection of the Countryside
GEN5	Provision of New Residential Development
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

#### Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
C SP1	Countryside
ECC SP1	Adapting to Climate Change
ECC SP2	Energy and climate change mitigation
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM2	Flood Risk
W SP1	Water
D DM2	Internal Space Standards
D SP1	Design

#### Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Quality of Design

#### Aldingbourne Neighbourhood Plan 2016 POLICY H2

Range of house types

Housing Mix

#### Aldingbourne Neighbourhood Plan 2016 POLICY H6

Within built up area boundary

Windfall sites

#### Aldingbourne Neighbourhood Plan 2016 POLICY H8

Dwellings must have adequate private or shared amenity.

Outdoor space

#### Aldingbourne Neighbourhood Plan 2016 POLICY H9

Items to consider e.g. - bin stores

Attention to detail

**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.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

#### 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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The development is considered to comply with relevant Aldingbourne NDP policies which will be considered in the conclusions section.

#### DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

"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

##### PRINCIPLE

The site is located outside of the built up area boundary. However, as the development is for the replacement of the existing dwelling, it is not considered unacceptable in principle as there would be no net increase in dwellings on the site. The development is considered to be acceptable in terms of principle in compliance with saved policies GEN2, GEN7 and Aldingbourne NDP policy EH1.

##### DESIGN AND VISUAL AMENITY

Hook Lane has no consistent urban form, property design, materials or scale but most properties are set back from the road. It is considered that the variation in materials, design and scale of each property creates a varied character which allows more modern design, such as this development, to be considered acceptable in terms of visual amenity. The sand stone wall and larch timber cladding are considered to be residential in appearance, suitable for this location within a ribbon of development. Whilst the development would be larger than the existing property (footprint is also modestly larger) it will not be as high as Bramleys and the lane is characterised by dwellings of various scale, some larger than the development. Furthermore, it will be set in from the sides and back from the front with garden to rear which is a general layout character of the dwellings in the area. As such, whilst the design is modern it is not considered that it would be out of character with the street scene and is in line with the varied character of the lane in compliance with saved policy GEN7 (ii) and Aldingbourne NDP policies H1, H6 and H9.

##### RESIDENTIAL AMENITY

The two main neighbouring dwellings to be impacted by the development would be The Nook to the north and Bramleys to the south. The Nook is a bungalow with road facing gable end roof with driveway separating it's south side elevation and the shared boundary with Mildmay. The side wall of the development would be set approximately 7m away from the side elevation of The Nook and be approximately 5.5m to eaves level with the higher, rear section of the development's roof at

approximately 6.2m high. Given the 7m (approx.) separation distance and height of the development, it is not considered that there will be a significant overbearing or visually intrusive impact on the residential amenities of The Nook. Furthermore, no side windows are proposed which could lead to loss of privacy through overlooking to The Nook and the first floor rear facing window is angled away from the Nook and its rear garden. It is also considered that the windows of The Nook would not receive a significant loss of daylight or sunlight owing to the height of the development and set away of the replacement dwelling from the side elevation and windows of The Nook. The applicant has submitted a Daylight and Sunlight Analysis and the officer is satisfied that the loss of light will not be so intense that it would lead to significant harm to residential amenity, especially to the middle side window of The Nook which serves a ground floor bedroom. It should be noted that other side facing windows serve, either a non-habitable room (for the purposes of light testing) or are not the sole source of light to the rooms which also have windows to the front and rear.

Bramleys, to the south is two storey and has a blank side elevation facing the development site. Whilst the development would be closer to Bramleys than to The Nook (1.65m away approx.), Bramleys is two storey and combined with it having no side facing windows, the development is not considered to have an overbearing impact or result in significant loss of light or overshadowing. There would be an angled, first floor rear window to a bedroom partially facing the garden of Bramleys but this would only provide a view of the middle part of Bramley's garden (not the most sensitive part directly to the rear of Bramleys' rear elevation). This is not considered to increase communal overlooking to a harmful level given Bramleys currently has first floor rear windows which provide overlooking to the middle part of Mildmay's rear garden.

The development is considered to be acceptable in terms of impact on residential amenity in compliance with saved policy GEN 7 (iv) and (v).

### INTERNAL AND EXTERNAL AMENITY SPACE

The development would provide sufficient internal floor space to meet the requirements of the Nationally Described Space Standards central government document. Thus it is considered that the replacement dwelling would provide useable internal floor space suitable for family habitation in line with emerging policy D DM2 and the Nationally Described Space Standards.

The rear private garden space serving the new dwelling would not be significantly smaller than the existing garden. Thus it is considered the development would provide outdoor private amenity space of adequate size and quality and meet the requirements of Aldingbourne NDP policy H8. The proposed modifications of the emerging Local Plan has deleted policy D DM3 which requires private gardens of a certain size.

### PARKING AND HIGHWAYS SAFETY

Three off street parking spaces are proposed which is in line with the required off street parking provision for a 3 bedroom dwelling in line with emerging policy TSP1. Cycle parking can be accommodated under the front overhang feature of the dwelling if required. WSCC comments regarding highways are awaited and will be included in a report update.

### SURFACE WATER DRAINAGE

The site is within the Lidsey Waste Water Treatment Works (WWTW) catchment area and is at high risk of surface water flooding. Thus it is considered reasonable and necessary to impose the pre-commencement surface water drainage condition in compliance with saved policy GEN9 and Aldingbourne NDP policy EH5. However, it is noted that the proposed green roofs will reduce or slow



surface water run off from the main roofs but more detail of how these roofs will function is required which can be provided as part of a pre-commencement condition.

The development is considered to comply with the development plan and is recommended for approval with 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**

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:-

- 01C
- 02C
- 05A
- 03B
- 04A
- 06B

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 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 and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 6 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**AL/123/17/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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