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23 August 2018

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton** on **Wednesday 5 September 2018 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes, Mrs Stainton and Wells

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 ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

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 officer 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 Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 8 August 2018 (attached).

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

6. TREE APPLICATIONS

There are no applications to consider.

7. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **ALPHABETICAL** order.

8. *PLANNING APPEALS

To consider the attached report.

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)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)
 Claire Potts (Ext 37698)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

8 August 2018 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Bence (Vice-Chairman), Mrs Bower, Brooks, Cates, Dillon, Mrs Hall, Haymes, Northeast, Mrs Oakley, Oliver-Redgate, Mrs Pendleton, Miss Rhodes and Mrs Stainton.

Councillors Ambler, Mrs Brown (part), Charles and Elkins (part) were also in attendance at the meeting.

137. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Wells.

138. DECLARATIONS OF INTEREST

There were no declarations of interest made.

139. MINUTES

The Minutes of the meeting held on 11 July 2018 were approved by the Committee and signed by the Chairman as a correct record.

140. RECONSIDERATION OF PLANNING APPLICATIONS FOLLOWING ADOPTION OF ARUN LOCAL PLAN

Following the adoption of the Arun Local Plan on 18 July 2018, the Group Head of Planning presented this report to Members which sought confirmation from the Committee that planning applications that had been resolved to be granted planning permission would be reconsidered where decisions had yet to be issued.

The Committee

RESOLVED – That

(1) the need to reconsider the planning applications referred to at paragraph 7 of the report by way of an update report in light of the change in the development plan following the adoption of the Arun Local Plan, be noted; and

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- (2) all planning conditions attached to those applications still resolved to be granted planning permission be amended to include amended policy references from the Arun Local Plan 2011-2031.

141. PLANNING APPLICATIONS

FG/39/18/PL – Demolition of existing property & outbuildings; erection of new Motor Dealership with Showroom, Offices & Motor Vehicle Workshop (including MOT) & new Head Office Facility adjoining the existing Peugeot building on site including associated hard & soft landscaping & associated supporting facilities. This application is a Departure from the Development Plan, Worthing Peugeot, Littlehampton Road, Ferring The Committee received a report on the matter, together with the officer's written report update detailing consequential changes following publication of the new version of the National Planning Policy Framework. The Planning Team Leader also advised that the comments from Environmental Health had not been included for consideration within the report - they raised no objection to the proposal providing relevant conditions were attached to any approval to mitigate concerns relating to odour; noise; the requirement for a construction management plan; and possible land contamination. It was therefore suggested that, should Members be minded to approve the application, authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to add suitable conditions to address the issues raised by Environmental Health.

In discussing the matter, Members expressed serious concern that the existing dealership at times off loaded vehicles from a transporter at the front of the site on the busy A259. This was considered to be dangerous. The Planning Team Leader advised that County Highways and the Police had been approached with regard to the situation but had raised no objection. In relation to the new proposal, County Highways had been chased for the comment but had still not responded and, in the view of officers, the application would not cause problems that would be so severe as to warrant a refusal.

Members voiced their disappointment at the lack of response from County Highways and requested that this be passed on accordingly.

Whilst acknowledging that offloading of vehicles to the rear of the site could not be imposed on Peugeot, it was felt that a condition should be attached to any approval for Honda to require all vehicles for the benefit of Honda to enter through the rear of the property". Having been formally proposed and seconded this was agreed.

The Committee

RESOLVED - That

(1) the application be approved as detailed in the report, subject to the following additional condition:-

The use hereby approved shall not begin until details of a scheme for the control of car transporters and deliveries has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include numbers/frequency, and measures to ensure that all deliveries including transporters unload/load only within the rear area accessed off Hangleton Lane and enter and leave the site in forward gear. Only the approved scheme of deliveries shall be operated thereafter.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan 2011-2031.

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to add relevant conditions as requested by Environmental Health.

(Prior to consideration of the following application, Councillor Elkins spoke to the application in his role as Ward Member.)

FG/105/18/PL – Installation of a six-pump (12 filling position) automated petrol filling station (FPS) & associated works. Resubmission of FG/206/17/PL, Land at Asda Superstore, Littlehampton Road, Ferring Having received a report on the matter, together with the officer's written report update detailing:-

- Consequential changes following publication of the new version of the National Planning Policy Framework.
- The policy context section should refer to the site being within the Built Up Area Boundary and the reference to siting within the Strategic Gap should be deleted
- Incorrect reporting in the previous application that the site was outside the defined Built Up Area Boundary
- The Council's Engineers had requested a drainage condition be imposed
- Additional comments from County Highways raising no objection
- Further letter of objection

The Planning Team Leader reminded Members that the previous application (FG/206/17/PL) had been refused purely on the grounds that the Jet Wash facility would cause unacceptable harm to neighbouring dwellings.

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In discussing the matter, some Members still expressed reservations with regard to the proposal but the Committee

RESOLVED

That the application be approved as detailed in the report and the report update to include an additional condition relating to drainage.

A/142/17/PL – Change of use of land from storage (B8 Storage or Distribution) to a car sales yard (Sui Generis), Land at Barn Farm, Dappers Lane, Angmering Having received a report on the matter, together with the officer's written report update detailing consequential changes following publication of the new version of the National Planning Policy Framework, the Committee was advised by the Planning Team Leader that, due to concerns around intensification of use of the site, a temporary permission for 3 years was being proposed.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report.

(Prior to consideration of the following application, Councillor Mrs Brown spoke to the application in her role as Ward Member.)

AW/71/18/HH – Demolition of existing ground floor extensions to front of property, construction of a single storey rear extension & reworking of existing external hard & soft landscaping including new vehicular access onto Kingsway. This application affects the character & appearance of the Craigweil House Conservation Area, 36 Kingsway, Aldwick Having received a report on the matter, together with the officer's written report update detailing:-

- Additional comment from the Council's Tree Officer and resultant amendment to Condition 3 to refer to the Rev D Arboricultural Method Statement.
- Advice that supporting photographs from the applicant were available to view on the Council's website.
- Consequential changes following publication of the new version of the National Planning Policy Framework.
- Additional local resident objections.
- Correction to officer's comment on representations with regard to the ramped access – no examples of other ramped accesses within the estate could be given.

In discussing the matter, Members were broadly in favour of the proposal and felt it would be an improvement to remove the conifer hedge to the east and front of the property to open up views of the house. Comment was made that the materials for the driveway should be porous to assist surface water drainage and it was agreed that condition 5 be amended to include that requirement.

The Committee

RESOLVED

That the application be approved as detailed in the report, subject to amendment of condition 5 to read:-

No development in respect of the new driveway/new hard surfacing shall take place unless and until a schedule of porous materials and finishes to be used for the new proposed hard surfacing/driveway have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the new hard surfacing/driveway.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the character and appearance of the Conservation Area in accordance with policies D DM1 & HER DM3 of the Arun District Local Plan 2011-2031.

AW/129/18/HH – Loft conversion & single storey side extension, 20 Aldwick Gardens, Aldwick Having received a report on the matter, together with the officer's verbal advice with regard to consequential changes following publication of the new version of the National Planning Policy Framework, the Committee

RESOLVED

That the application be approved as detailed in the report.

AW/130/18/OUT – Outline application with some matters reserved for the erection of 8 No. dwellings with new access between 34 & 36 Carlton Avenue, Land to the rear of 34, 36, 38, 40 & 44 Carlton Avenue, Aldwick The Committee received a report on the matter, together with the officer's written report update detailing:-

- Consequential changes following publication of the new version of the National Planning Policy Framework.
- Further County Highways advice and subsequent additional condition and informative
- Details of policies omitted from the report

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- Reasons for conditions 8 [Construction Environmental Management Plan]; and 10 [Wheel Washing] which were omitted from the report

In discussing the matter, Members again expressed their concern that County Highways had raised no objection to the proposal, particularly in light of the traffic congestion that was experienced by local residents due to the proximity of the primary school and the resultant safety issues that arose.

The Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

AL/38/18/PL – Construction of additional car parking, with lighting, to serve existing Gospel Hall, The Gospel Hall, Nyton Road, Aldingbourne Having received a report on the matter, the Committee also took account of the officer's written report update detailing:-

- Consequential changes following publication of the new version of the National Planning Policy Framework.
- Additional drainage plan and resultant amended condition 3 to read "Development of the parking area shall not commence....."
- Condition 5 to be amended to read "The approved car parking spaces shall be retained at all times for their designated purpose".
- As Aldingbourne Parish Council need to be notified in respect of the Lighting Statement and the Drainage Plan, it would not be possible to make a decision on this application until after 27 August 2018 and authority was therefore sought to delegate the decision to the Group Head of Planning.

Following consideration, the Committee

RESOLVED - That

That the application be approved as detailed in the report and the officer report update; and

(2) the decision to issue after 27 August 2018 be delegated to the Group Head of Planning.

AL/115/17/OUT – Outline application with some matters reserved for the erection of 55 No. dwellings, sustainable drainage measures, public open space, children's play area, landscaping & all other associated works. This application is a Departure from the Development Plan, Wings Nursery, Lidsey Road, Aldingbourne
Having received a report on the matter, together with the officer's written report update detailing consequential changes following publication of the new version of the National Planning Policy Framework, the Committee now considered the matter.

The new Arun Local Plan 2011-2031 had been adopted at the meeting of Full Council on 18 July 2018 and Members were mindful that the integrity of the Plan must be safeguarded. The timing of the proposal was unfortunate as it was recognised that small sites for housing such as this were needed in the District and it was hoped that the applicant could be invited to submit the proposal for the Small Sites DPD [Development Plan Document] in the future.

Following consideration, the Committee

RESOLVED

That the application be refused as detailed in the report

142. PLANNING APPEALS

The Committee noted the planning appeals that had been received.

(The meeting concluded at 5.25 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

5th September 2018

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION

AT THE DEVELOPMENT CONTROL COMMITTEE

NONE FOR THIS COMMITTEE

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE

AT THE DEVELOPMENT CONTROL COMMITTEE

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/40/18/PL	2 No. semi detached bungalows with associated parking & landscape	Land Adjacent to 14 St Johns Close Westergate PO20 3TH
Case Officer:	Mr S Davis	
Recommendation:	Approve Conditonally	

ALDINGBOURNE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
AL/136/17/PL	Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan	Land west of Fontwell Avenue 1 Fontwell Avenue Eastergate PO20 3RU
Case Officer:	Mr S Davis	
Recommendation:	Approve Conditonally	

ANGMERING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
A/74/18/OUT	Outline Planning Permission with all matters reserved, except access, for the demolition of existing outbuildings and the erection of 9No. two storey dwellings consisting of 2No. two bedroom dwellings, 3No. three bedroom dwellings and 4No. four bedroom dwellings. Departure from the Development Plan.	The Laurels Dappers Lane Angmering BN16 4EN
Case Officer:	Mrs A Gardner	
Recommendation:	Approve Conditonally	

FERRING

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
FG/94/18/PL	Erection of 1 No. chalet style bungalow	55 Sea Lane Gardens Ferring BN12 5EG

Case Officer: Mrs A Gardner
Recommendation: Approve Conditonally

PLANNING APPLICATION REPORT

REF NO: AL/40/18/PL

LOCATION: Land Adjacent to 14 St Johns Close
Westergate
PO20 3TH

PROPOSAL: 2 No. semi detached bungalows with associated parking & landscape

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposed bungalows will each have 2 bedrooms and be suitable for occupation by up to 4 people. Each will have its own rear gardens with cycle storage shed, space for storage of bins and two tandem parking spaces each. The bungalows will be 2.5m to the eaves and 5m to the ridge.</p> <p>The layout also shows 6 parking spaces provided for the use of existing residents and retained access points to the rear gardens of 10/12/14 St Johns Close and 8 Hook Cottages. It should be noted that although this is an ADC application, it is not to be assumed the dwelling will become a 'Council House' and it may well be developed as market housing.</p>
SITE AREA	0.07 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	29 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are two Birch trees in the rear garden of 14 St Johns Close but neither are considered to be affected by the development.
BOUNDARY TREATMENT	1.8m high close boarded fencing except in the case of Athwal Cottage which is built right on the boundary.
SITE CHARACTERISTICS	Existing hardstanding parking court accessed from St Johns Close with narrow grassed strips on two sides, otherwise extending right up to the neighbouring residential plots. The parking spaces are not marked out with white lines.
CHARACTER OF LOCALITY	<p>Predominantly residential but with a mixed style of both one and a half and two storey detached and semi-detached dwellings.</p> <p>Athwal Cottage to the south is a part single, part 1.5 storey dwelling which adjoins the Aldingbourne Village Stores. Athwal Cottage has three principal first floor windows overlooking the site. A kitchen window at ground floor is obscure glazed. To the west, the site shares a boundary with the side of the rear garden to 8 Hook Cottages. This is a 1.5</p>

storey dwelling with secondary first floor windows in the flank wall. To the east, the site shares a boundary with 1 & 2 Orchard Cottages, both of which are considered to be two storeys in height and with principal windows overlooking the site. The houses to the north, 12 & 14 St Johns Close also have first floor principal windows facing the site.

RELEVANT SITE HISTORY

AL/130/16/OUT	Outline Application with some matters reserved for 1No. 5 person 3 bedroom bungalow, with 8No. parking spaces, bin and cycle store	ApproveConditionally 30-03-17
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Application AL/130/16/OUT for one bungalow was approved by Committee following a site visit on the 30th March 2017. This proposed 8 parking spaces for the use of existing residents (two more than this proposal) and also retained accesses to the rear gardens of 10/12/14 St Johns Close and 8 Hook Cottages

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response received from the Parish Council.

Two letters of objection raising the following issues:

- (1) Impact on those residents surrounding the site;
- (2) Views of a gable wall from 14 St Johns Close;
- (3) Impact on the sewer;
- (4) Loss of existing parking spaces - often parked on by 20 cars;
- (5) The Parking Demand and Capacity report's conclusions are flawed;
- (6) Displacing parking elsewhere will create pedestrian safety issues; and
- (7) No longer access to rear of 3 Orchard Gardens will be inconvenient.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are made in respect of the local resident objections:

- (1) The impact on the amenity of surrounding residents will be discussed in the report's conclusions;
- (2) This view will be at its closest point, 12.6m and 1.8m of the 2.5m high wall will be screened out by the neighbours existing fence. The distance is the same as per the previously approved application for one bungalow. Also this view is not of a gable end and the roof hips away from the wall;
- (3) Southern Water (see below) have commented and state that the sewer may be diverted;
- (4) The issue of the loss of the car parking will be discussed in the report's conclusions;
- (5) This will be considered within the report's conclusions;
- (6) This will be considered within the report's conclusions; and
- (7) Although it will no longer be possible to park adjacent to 3 Orchard Cottages, the occupiers will have the use of the 6 communal spaces situated only 7m from their rear boundary.

CONSULTATIONS

Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Environmental Health
 Estates Manager
 Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Advise that a sewer is located crossing the site but it might be possible to divert this (condition recommended). Request other conditions concerning foul drainage and the protection of any other unrecorded sewers on the site.

WSCC HIGHWAYS - No objections subject to conditions to secure cycle storage and car parking & turning. Note that there have been no recorded injury accidents in the vicinity of the site and no evidence to suggest to suggest that the new dwellings would exacerbate an existing safety concern. The proposed parking provision for the dwellings complies with the West Sussex Parking Demand Calculator. It is noted that the submitted Parking Demand Capacity Report is from the previous application. However, there is no concern with its re-use and there is plenty of capacity in respect of unallocated parking spaces on nearby streets. It is not considered that there are any highway safety issues with the parking arrangements. Turning for cars and fire/refuse vehicles is possible within the layout and the site is sustainably located within a 15min cycle ride from Barnham railway station.

ADC DRAINAGE ENGINEERS - Please apply standard condition ENGD2A. Soakaways must be investigated for surface water disposal.

ADC GREENSPACE - No objection subject to the early implementation of any new planted areas and to be undertaken within the first season post completion.

ADC ENVIRONMENTAL HEALTH - No objection subject to an informative regarding future statutory nuisance action and a construction environmental plan condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is not necessary to impose the WSCC Highways requested cycle storage condition in full as the applicant has already provided details of these buildings and the location of these within each plot. The condition will instead be worded so as to ensure that these are provided in accordance with the approved details and permanently maintained thereafter.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 Class C Road;
 Overhead Electric Line; and

PD Restriction/Open Plan Condition.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
HDM1	H DM1 Housing mix
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Aldingbourne Neighbourhood Plan 2016 POLICY EH1

Resist development outside

Aldingbourne Neighbourhood Plan 2016 POLICY EH5

Development in Flood risk areas will not be supported unless...

Surface Water Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY EH10

Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

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 H3

Housing density

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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant policies of the Aldingbourne Neighbouring Plan are considered within this report.

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

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 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, 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. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Aldingbourne Neighbourhood Development Plan (ANDP) policies H1, H3, H6 & H9 are all relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. H6 states that residential development on infill/redevelopment sites within the built up area boundary is acceptable but must be appropriate in scale & density to the size and character of the settlement, must be used efficiently, be accessible via a range of transport modes and must conserve/enhance wildlife. Policy H9

requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

It should be noted that the site already benefits from an outline permission for one bungalow and the footprint of the two schemes is similar. It is considered that the proposal is an acceptable density and that the scheme does not represent overdevelopment. Furthermore, although there are no other examples of bungalows in the immediate area, the area does have a mixed character and it is noted that part of Athwal Cottage to the south is single storey. The proposed building is considered to have an appropriate design and appearance and indicative landscaping is also shown.

It is considered that the proposal complies with ALP policies D DM1 & D SP1 and with ANDP policies H1, H3, H6 & H9.

PARKING & HIGHWAY SAFETY:

Local residents have expressed concern regarding the loss of existing parking spaces and the impact of car parking displaced from the site on the safety of local roads. Residents also consider that the conclusions of the Parking Demand and Capacity report are flawed.

Arun Local Plan 2011-2031 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. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. Policy GA3 is also relevant and requires that parking be provided in accordance with the standards adopted at the time.

The site is currently used for informal car parking by local residents. However, it is not marked out with lines and so there is no set figure for the amount of parking spaces that will be lost. The applicant has submitted a Parking Demand and Capacity Report which states that a maximum of 17 cars were recorded as being parked on the site during the survey period. The application proposes to part replace the lost parking with 6 unallocated spaces. This results in 11 cars being displaced to surrounding roads.

The application has been assessed by WSCC Highways who have carefully checked the submitted documents and who consider that there is a more than adequate amount of existing on-street parking spaces in the vicinity of the site. Furthermore, Highways consider that two proposed parking spaces for

each dwelling complies with the parking demand calculator. A condition will be imposed to ensure that cycle storage is also provided.

It should also be noted that this site is Council owned and although, the site has been open to local people for a number of years, none of the local residents have a legal right to a parking space on the site.

Although residents will experience change to their parking arrangements in that they may have to walk slightly further to park their cars, it is not considered that this change will be detrimental to their amenity or to their safety. It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with policies GA1 & GA3 of the ANDP.

RESIDENTIAL AMENITY:

A local resident has expressed concern regarding the impact of the proposal on surrounding residents.

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Aldingbourne Neighbourhood Development Plan policies refer to residential amenity issues. However, regard should be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The applicant has recognised the constrained nature of the site particularly the fact that it is overlooked by rear elevations on three sides and this is the reasoning behind the single storey scale of the dwellings. As such, there will be no loss of privacy to existing properties as views will be screened out by existing boundary fencing. Furthermore, the low nature of the dwelling and its distance from nearby dwellings will prevent there from being any harm caused by loss of light. In particular, views from the first floor windows of Athwal Cottage will not be hindered but will instead now look out over the roof of the dwelling.

There may be a slight privacy issue between proposed windows on the southern elevation and an existing ground floor bathroom window on the rear of Athwal Cottage which is built right onto the boundary. However, this window is obscure glazed and the land owner would be perfectly entitled to erect a fence to screen out this window if they so chose.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

Both houses have the same floor area and internal layout. They are both considered to be single storey,

2 bedroom, 4 person dwellings. As such, the requirement is 70m². The proposed floor area for each is 70.5m² and therefore both dwellings are in accordance with the standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. Whilst it is noted that policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area", this does not specify an amount of garden. The proposal is considered to include an appropriate amount of garden space and is therefore considered to comply with ANDP policy H8.

SUMMARY:

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted 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

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

Drawing 16/021 20 Rev D "Location Plan & Proposed Site Plan"; and
Drawing 16/021 21 Rev C "Proposed Plans & Elevations and Site Section".

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 2011-2031.

- 3 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works;
- b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- c. the parking of vehicles of site operatives and visitors;
- d. loading and unloading of plant and materials;
- e. storage of plant and materials used in constructing the development;
- f. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g. measures to control the emission of dust and dirt during construction; and

Reason: In order to protect the amenity and living conditions of neighbouring properties in accordance with policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan 2011-31. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to work starting.

- 4 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 5 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan 2011-31. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 6 Development shall not commence until full details of the proposed measures to be undertaken to divert the existing public sewer has been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). The dwelling shall not be occupied until the measures in respect of diverting the sewer have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan 2011-31. It is considered necessary for this to be a pre-commencement condition because otherwise development could harm the existing sewer below the ground surface.

- 7 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed semi-detached residential building 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 and character and appearance of the area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan 2011-2031.

- 8 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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 D DM1 of the Arun Local Plan 2011-2031.

- 9 No part of the development shall be first occupied until the cycle stores have been provided in accordance with the details shown on the approved drawings. The cycle storage sheds shall thereafter be permanently retained as fit for purpose.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan 2011-2031.

- 10 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan 2011-2031.

- 11 Should any sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full

details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun District Council Local Plan 2011-2031.

- 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers and maintain adequate amenity space in accordance with policy D DM1 of the Arun District Local Plan.

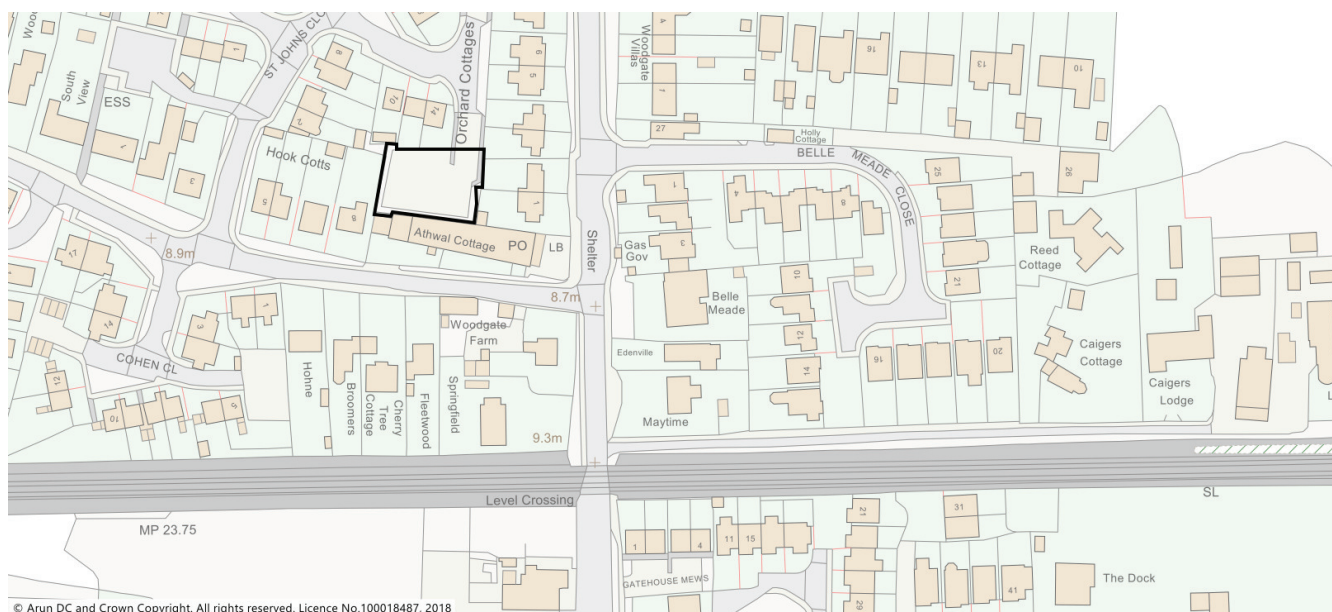
- 13 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, 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.

- 14 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.

- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500

- 16 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

AL/40/18/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: AL/136/17/PL

LOCATION: Land west of Fontwell Avenue
1 Fontwell Avenue
Eastergate
PO20 3RU

PROPOSAL: Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The 2 semi-detached houses will be located on the southern third of a large site which previously benefitted from outline permission for three detached dwellings under planning ref AL/95/13/. Each dwelling will have 4 double bedrooms, one with an en-suite bathroom. The dwellings will be two storeys only with no rooms in the roof. Off-street parking is provided to the front with a new access from the A29. The result of this new access will be to create two accesses to serve all 6 dwellings thus negating the need for a large vehicle turning head within the site. Also shown are bin stores and fencing details.
SITE AREA	0.183 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	10.9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A row of tall conifer trees along the rear boundary to the scrapyard. One large tree on the frontage in the very southern corner and some further large trees on land to the rear of Oaktrees. None of these trees will be affected by the proposed development. A number of trees that used to be along the width of the larger site frontage have already been felled.
BOUNDARY TREATMENT	1.8m high close boarded fencing to the boundary with Oaktrees. One metre high metal two bar fence interspersed with hedging to the road frontage. Row of fir trees behind a part wire fence/part hedge to the rear of the site.
SITE CHARACTERISTICS	Vacant grassed parcel of land which is overgrown in places.
CHARACTER OF LOCALITY	The site is outside the settlement boundary but predominantly residential as there are dwellings on both sides of the site and on the opposite side of the A29. The site frontage falls within a 40mph zone and the start of the 30mph zone is adjacent to the southern end of the site.

Oaktrees adjoins the southern boundary and is a 1.5 storey dwelling with its first floor accommodation within a Dutch hipped barn style roof. It has render to the lower floor, brick to the first floor flanks and a tile roof. It has flank facing windows at both ground and first floor (with the first floor window appearing to be a bedroom) and a row of roof lights on the rear. A pair of semi-detached dwellings are to be built on the next plot to the north. These will have obscure glazed bathroom windows in the flank elevation overlooking this site. There is a vehicle scrapyards to the rear of the site, beyond the line of conifers.

RELEVANT SITE HISTORY

AL/67/18/PL	Continuance of use without compliance with condition 6 imposed under AL/122/17/PL relating to proposed access requirements.	
AL/50/18/PL	Continuance of use without compliance with condition 10 imposed under AL/121/16/PL relating to vehicular access serving the development.	
AL/122/17/PL	2 No. dwellings (resubmission following AL/72/17/PL). This application is a Departure from the Development Plan.	ApproveConditionally 14-02-18
AL/121/16/PL	2No. semi detached houses. This application is a Departure from the development plan	ApproveConditionally 01-02-17
AL/106/15/OUT	Outline application with some matters reserved for 5 No. detached houses with garaging. This application is a Departure from the Development Plan.	Refused 19-01-16 Appeal: Dismissed 03-08-16
AL/95/13/	Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan	ApproveConditionally 25-04-14
AL/122/87	Outline Application for six residential units	Refused 21-01-88 Appeal: Dismissed 10-10-88

AL/95/13 was granted permission in April 2014. It sought outline permission for 3 dwellings and included access and layout details. The time period for the submission of reserved matters expired in April 2017.

AL/106/15/OUT sought outline permission for 5 detached dwellings. It was refused on the grounds of character/overdevelopment, loss of light to Westfield House and no affordable housing contribution. An appeal was dismissed on the 3rd August 2016. The Inspector made the following analysis of the character issue:

"The proposed layout of the site is to be determined at this stage, including gaps between dwellings and to the site boundaries. This linear layout behind substantial front gardens largely reflects that of surrounding development, but the gaps between the proposed dwellings on plots 1-4 and to Westfield House would be considerably smaller than most gaps between the surrounding houses on the approach to Eastergate, particularly on this side of Fontwell Avenue.

Notwithstanding that the site already has planning permission for 3 houses and the changes to the land they would bring, the narrow gaps between the dwellings on the layout now proposed, particularly on plots 1-4, would result in a cramped and overdeveloped appearance that would adversely affect the rhythm of development on Fontwell Avenue and would be out of keeping with the semi-rural appearance of the area."

Application AL/121/16/PL was granted planning permission at the Development Control Committee on the 1st of February 2017 and allowed for the development of two semi-detached dwellings on the northern third of the AL/95/13/ site. This permission is in the process of being implemented.

Application AL/72/17/PL concerned the central third of the AL/95/13/ site and sought permission for two detached dwellings. However, the applicants were advised that this could not be supported and that they would be better placed applying for similar semi-detached dwellings as approved by AL/121/16/PL. This application was withdrawn. Subsequently, application AL/122/17/PL was submitted for a pair of semi-detached dwellings and this was approved by the Development Control Committee on the 14th February 2018.

Applications AL/50/18/PL and AL/67/18/PL concern the existing two approved pairs of semi-detached dwellings and seek to modify these permissions so as not to have to provide the large turning head previously proposed on the site pursuant to AL/136/17/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council

"No objection. The Parish Council does not object to this application given the previous consent on this site. However this is subject to a satisfactory drainage scheme being approved. The Parish Council also wishes to be consulted regarding any S106 agreement which should benefit community infrastructure. The Parish Council also wishes to see an approved access scheme."

One letter of support stating that the application will fit in with its current surroundings & other nearby developments. Also that once the landscaping has been completed along the front, it will only make it safer exiting Oaktrees by car giving greater visibility along the road.

One letter of objection on the following grounds:

- (1) Departure from the Development Plan;
- (2) The Council has a history of approving applications in this location;
- (3) The previous outline consent concerning the site has expired;
- (4) Applications AL/121/16/PL & AL/122/17/PL should not serve as precedent for 2 houses on this site;
- (5) If this is approved, the applicants will have achieved 6 houses across this site by stealth;
- (6) Overdevelopment of the site;
- (7) No garages/inadequate parking provision is detrimental to highway safety;
- (8) WSCC Highways should have been able to consider the 6 dwellings in full not as 3 separate 2 dwelling schemes - they should have to reassess the approved permissions;
- (9) This proposal removes the approved large vehicle turning head from the approved scheme;
- (10) The access for the other two plots is not positioned correctly and planning compliance have done nothing about this;
- (11) The width of the existing access to the site means that lost HGV's needing to check a map or drivers wishing to stop to use their phones pull over here and block access to both the site and adjacent Westfield House; and
- (12) The developers have already demonstrated that they will not comply with planning specifications.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish Council were contacted to ensure that they were aware that the Council cannot seek any infrastructure contributions as the proposed number of dwellings (2) is well below the criteria for contributions towards infrastructure. The Parish responded to say that the drainage comment still stands. The Council's drainage engineers raise no objection subject to a standard drainage condition. This is the same approach as for applications AL/121/16/PL and AL/222/17/PL.

The letter of support is noted.

The following comments are made in response to the objections:

- (1) This will be considered in the report's conclusions;
- (2) Noted;
- (3) This is correct;
- (4) Planning law dictates that each application should be treated regarding its own merits. However, precedent is capable of being a material consideration and should be considered in determining an application;
- (5) Six houses will have been achieved by the submission & determination of three planning applications. It is accepted that planning permission was previously refused and dismissed on appeal for 5 houses. However, this was in part due to the impact on a neighbouring property (who is not adjacent to the current application) and in part because of the narrow gaps between dwellings. The use of semi-detached dwellings is considered to have overcome the latter concern;
- (6) It should be noted that the proposal has broadly the same density (10.9) as the other two approved plots to the north (11.2 & 10.9). Furthermore a density of only about 11 dwellings per hectare is considered to be very low and does not tend to imply overdevelopment;
- (7) The lack of garages is not considered to be detrimental to highway safety as garages are often used for storage purposes and not car parking. The proposal instead includes actual parking spaces. WSCC Highways have assessed the parking provision and consider it to be appropriate;
- (8) WSCC Highways have carefully considered this application and have provided 6 sets of comments. It is considered that they have been very thorough. It is not possible for them to now reconsider the other two sites as these have planning permissions;
- (9) The loss of this turning area is not considered detrimental to highway safety as all 6 houses will now benefit from two accesses onto the A29 meaning that large vehicles can access these houses and depart in a forward gear;

(10) The northern access onto the A29 is not the finished article but is a merely a temporary access to enable construction of the site. The access is not required to be completed until the dwellings are ready to be occupied. Compliance officers have explained this to the complainant;

(11) Noted however, this comment relates to a different site and therefore cannot be considered in this determination; and

(12) The applicant in this case is different to the applicants for the other two sites.

CONSULTATIONS

Highways England

Listed Building Officer

Engineering Services Manager

Southern Water Planning

Engineers (Drainage)

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Note a sewer crossing the frontage of the site and request that no development or new tree planting be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. Also note that there may be other unrecorded sewers crossing the site. Require a sewer connection informative.

WSCC HIGHWAYS - Originally raised objections to the scheme on the grounds of visibility & vehicle tracking. These concerns have been negotiated and Highways are now able to support the proposal subject to conditions. With regard to visibility, the proposal provides a splay of 2.4 x 59 metres to the north (southbound) and to the south (northbound). These are in line with Manual for Streets and are based on a speed survey undertaken at the site. The access point has been designed with 6 metre kerb radii and it has been demonstrated that a fire tender & 7.5t panel van can manoeuvre within the site and make use of the two access points onto the A29. The scheme also demonstrates a dropped crossing footway provision to enable a pedestrian link from the site onto the existing provision on the eastern side of A29. Each dwelling will be provided with two off street car parking spaces and whilst this would not meet the required demand of 5, Highways consider that the additional hardstanding available could accommodate an additional vehicle per dwelling with turning and manoeuvring taking place on the private service driveway if required. In summary, Highways do not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

ADC DRAINAGE ENGINEERS - Please apply standard condition ENGD2A. Soakaways must be investigated for surface water disposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and all conditions included within the recommendation.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Special Control of Adverts;
 Grade 3a Agricultural land;
 Flood Zone 1; and
 Class A Road (A29).

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Aldingbourne Neighbourhood Plan 2016 POLICY EH1	Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless...
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH6	Development in Flood risk areas will not be supported unless...
Aldingbourne Neighbourhood Plan 2016 POLICY GA1	Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY GA3	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY	Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY	Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY	New housing or altering dwellings

H1	Quality of Design
Aldingbourne Neighbourhood Plan 2016 POLICY H2	Range of house types
	Housing Mix
Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H6	Within built up area boundary
	Windfall sites
Aldingbourne Neighbourhood Plan 2016 POLICY H7	No support development near noisy business
	Development in the vicinity of business
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:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant policies of the Aldingbourne Neighbouring Plan are considered within this report.

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 located outside the built up area boundary (BUAB) of Aldingbourne and is therefore considered to conflict with the Development Plan policies. However, there are considered to be material considerations that weigh in favour of overriding the in principle objection to this proposal.

OTHER MATERIAL CONSIDERATIONS

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

- The planning history of the site namely that there was until recently an extant outline planning permission (AL/95/13/) for one dwelling on this plot (as part of a scheme of 3);
- The fact that this is a vacant piece of land sandwiched between an existing dwelling (Oaktrees) to the south and a pair of semi-detached dwellings currently being constructed on land immediately to the north of this site;
- The fact that there are further residential dwellings to the north and also on the opposite side of the A29; and
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and making the most efficient use of land.

CONCLUSIONS

PRINCIPLE:

The Arun Local Plan 2011-2031 (ALP) was adopted on the 18th July. With this new Plan in place, the Council can now demonstrate an NPPF compliant 5.3 year housing land supply. The application site lies outside of the defined settlement boundary as shown within the ALP and therefore falls within countryside. Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. The proposal does not meet any of the stated criteria and therefore would be unacceptable in principle. However, it is not considered that this should automatically result in a refusal unless there is also demonstrable harm to the character of the countryside.

It is also necessary to consider the policies of the Aldingbourne Neighbourhood Development Plan (ANDP) which was made (adopted) in October 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the Arun Local Plan. Map E of the ANDP includes a BUAB drawn around the settlement of Westergate. The site is around 240m northeast of the edge of the defined Westergate built up area boundary. The opposite side of Fontwell Avenue is within the parish of Eastergate and this BUAB is closer to the site. However, the site is clearly outside of both BUABs and the application site is therefore classified as countryside.

ANDP Policy EH1 states that development will not be allowed on sites outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. Policy H6 (residential windfall sites) only applies to sites within the built up area boundary. It is also noted that policy GA1 states that proposals that increase travel demand are to be located in places accessible to public and community transport.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever

possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland)."

It is considered that the proposal conflicts with both the ALP and the ANDP in respect of its location outside of the BUAB. However, the site lies in a sustainable location within walking distance of local shops, bus stops, schools and doctors surgeries. Furthermore, the site is positioned between existing built development and land currently being developed for housing. It is not considered that the development of this site would result in any demonstrable harm to the character of the countryside in this location. It is therefore not recommended that an objection be raised simply because of the location of the site outside of the BUAB.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

AGRICULTURAL LAND:

Map B of the ANDP indicates that the site is classified as Grade 3a agricultural land and is therefore "very good". The land could therefore support the growing of crops. ANDP Policy EH3 states that:

"Proposals for development on the 'best and most versatile' agricultural land shown on Map B, the latest available Defra Agricultural Land Classification Map, will be resisted unless it can be demonstrated that it would meet the following criteria: (1) It supports the diversification of an agricultural enterprise or other land-based rural business; or (2) The need for the development clearly outweighs the harm"

Policy SO DM1 of the ALP considers soils and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The requirement to protect the best and most versatile land can be outweighed if it is demonstrated through sustainability and options appraisals that:

- a. Preservation of land of lower agricultural quality has greater benefits in terms of ecosystem services (for example carbon storage, flood water retention, support of biodiversity);
- b. That any site preferred for development is demonstrated to be the best and most sustainable option, including but not limited to the terms of land quality, ecosystem services, infrastructure and proven need; and
- c. The proposed development meets the requirements of the countryside policy and/or equine development policy.

Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England;
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report; and

g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development."

The applicant has not supplied any information to justify the proposal against the requirements of this policy.

However, it is considered that this is a very small area of land (0.183 hectares) which would not be viable for the purposes of the growing of crops. Modern agriculture and arable farming has changed to the extent that it is now larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. It is also considered that access to the site by agricultural vehicles could be detrimental to the adjacent residential occupiers. In addition, it is considered that the land may be contaminated as a result of the scrapyard to the rear. Indeed, Environmental Health comments on application AL/95/13/ considered this and recommended planning conditions to require the investigation and remediation of any contamination.

Further, the planning permissions on the sites immediately adjoining the application site were both granted following the adoption of the Aldingbourne Neighbourhood Plan with the same policy tests.

Therefore, despite the grade of soil on the land, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility.

It is considered that although the benefits of the proposal are only small (2 dwellings), that given the above factors, there is no realistic possibility of the land being used for agricultural crops in the future and therefore it would not be possible to sustain a refusal based on ANDP policy EH3 or ALP policy SO DM1.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, 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. Development proposals should have been derived from: a thorough site

analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Aldingbourne Neighbourhood Development Plan (ANDP) policies H1, H3, H6 & H9 are all relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties. H6 states that residential development on infill/redevelopment sites within the built up area boundary is acceptable but must be appropriate in scale & density to the size and character of the settlement, must be used efficiently, be accessible via a range of transport modes and must conserve/enhance wildlife. Policy H9 requires that certain 'add-on' items (e.g. gutters, satellite dishes, meter boxes) be included in the design of new houses.

As discussed elsewhere within this report, the site has an extensive planning history which includes the dismissal of an appeal for 5 detached dwellings (AL/106/15/OUT). This was considered to represent an overdevelopment of the site and this argument was made principally on the basis of the narrow gaps between the dwellings. However, regard should also be had to the recent permissions for two pairs of semi-detached dwellings on the other parts of the AL/95/13 site. It is also considered that whilst a 5 detached dwelling scheme across the whole site was considered to be unacceptable, semi-detached dwellings are materially different in form and allow for a new judgement to be made, free of the implications of the previous appeal decision.

Notwithstanding the precedent for semi-detached houses established by AL/121/16/PL and by AL/122/17/PL, it should also be noted that there are four semi-detached properties immediately opposite the site on the other side of Fontwell Avenue (Episkopi, Hillcross, Trees & Highlands).

The current proposal provides for good sized gaps between the flanks of the semi-detached building and the boundaries. The gap to the northern boundary will be between 2.5 and 3m. Taking account of the gap between the permitted dwelling and the shared boundary, the total space between the two pairs of semi's will be between 6 and 7m. To the southern boundary, the gap will be staggered from just over 3.5m at the front and just over 2m at the rear. This results in a gap to Oaktrees of between 4.5 and 5m. These gaps are considered to be relatively spacious and compare favourably with the gaps between the other approved semi-detached dwellings and of those dwellings opposite.

The proposal also retains the same sense of spaciousness to front and rear as per the other two approved semi-detached dwelling schemes to the north. It is noted that the front building line of the two dwellings will be closer to the road than the approved semi-detached dwellings. However, a staggered building line would be appropriate having regard to the shorter distance of Oaktrees to the road.

The design of the proposed dwellings will be different to the other approved semi-detached dwellings but of the same two storey height. These subtle differences and also the slight difference in footprint between the two proposed dwellings (with one having a slight forward projection) will add visual interest to the streetscene and are not considered to adversely affect the character or appearance of the immediate area. Proposed materials include tiles and brick and these would be in character with existing dwellings. However, a condition will be imposed to control the materials used in the build.

It is therefore considered that the proposal complies with ALP policies D DM1 & D SP1 and with ANDP policies H1, H3, H6 & H9.

PARKING & HIGHWAY SAFETY:

Arun Local Plan 2011-2031 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. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

ANDP Policy GA1 seeks to promote sustainable (non-car) forms of transport. It requires new development to be located in places accessible to public and community transport. Policy GA3 is also relevant and requires that parking be provided in accordance with the standards adopted at the time.

The application proposes a new access onto the A29 and this will enable all 6 semi-detached dwellings to be served by two separate accesses thus allowing larger vehicles to access these properties and depart in a forward gear. The proposed access has been carefully scrutinised by the Highway Authority who eventually confirmed that the arrangements were acceptable and that the proposal will not have a severe impact on the operation of the highway network.

In respect of parking, although the proposal does not meet the anticipated demand of 5 spaces (the 5th space being required for visitor parking), it is considered that there is sufficient hardstanding available for additional temporary parking and that this will not prevent vehicle turning and will not result in unsafe movements onto or from the A29.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with policies GA1 & GA3 of the ANDP.

RESIDENTIAL AMENITY:

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Aldingbourne Neighbourhood Development Plan policies refer to residential amenity issues. However, regard should be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for

existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is not considered that the proposal will result in any harmful overlooking of neighbouring properties or that the proposed dwellings themselves are at risk of overlooking from existing dwellings. The rear building line of the two dwellings will be set back from that of Oaktrees and such there may be an impact on a 45 degree angle drawn from Oaktrees rear principal windows. However, this is not considered to be harmful due to the orientation of the dwellings to the North of Oaktrees and due to the gap of between 4.5 and 5m between the new building and Oaktrees.

Bathroom windows proposed in the front elevation of the dwellings will be obscure glazed to protect the privacy of future residential occupiers. A condition will also prevent any flank windows from being added in the future and thus ensure no overlooking of the neighbouring sites.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP.

NOISE:

Policy QE DM1 of the Arun Local Plan 2011-2031 states that:

"Residential development likely to experience noise from road, rail or air must:

- a. Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.
- b. Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future."

It is also necessary to have regard to policy H7 of the ANP which states that: "Proposals for development in the vicinity of businesses which are inherently noisy will not be supported."

Concerns were raised by Environmental Health Officers in respect of application AL/95/13/ regarding the potential for the new houses to be affected by noise from the A29 to the east and/or the scrapyard to the west. This was considered to be an important issue but not one that would prevent development. Instead, a planning condition was attached to the previous permission to ensure that the new houses were built with measures that will minimise noise impacts and protect future residents. Environmental Health have not been consulted on this application but it is not considered that anything has changed with respect to potential noise pollution and as such, it is recommended that the same condition be applied to this application. On this basis, there would not be any conflict with policy QE DM1 and there would be sufficient mitigation in place to overcome the conflict with policy H7.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

Although the floorplans show 4 bedrooms per dwellings all containing a double bed, one of the bedrooms in each house actually falls below the 11.5m² standard for a double bedroom. Therefore, it is considered that the proposal should be assessed as having 4 bedrooms and accommodating only 7 persons. The

required internal floor area for each is therefore 115m².

The larger of the two houses more than meets the standard with a floor area of 123m². The second dwelling is short of the standard at only 103m². However, policy D DM2 only requires that internal spaces are of an appropriate size. The policy does not state that the national space standards are to be rigidly followed. It is considered that both dwellings are appropriate in floor area and therefore comply with ALP policy D DM2.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. Whilst it is noted that policy H8 of the ANDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area", this does not specify an amount of garden. However, the proposed dwellings both have gardens with depths exceeding 36m and areas of at least 370m². These are of above adequate size and therefore comply with ANDP policy H8.

SUMMARY:

The application site is outside the defined built-up area boundaries of Westergate and is therefore in conflict with the policies of the development plan designed to protect the countryside. However, there are material considerations which serve to override this policy objection. In particular, that the development of this site will not be detrimental to the character of the countryside on this location.

This proposal is not considered to compromise the visual amenity of the area, the safety of the A29, the amenities of neighbouring land, the amenities of future occupiers or the supply of high quality agricultural land. The site is also considered to be in a relatively sustainable location such that occupiers would not need to rely on a private car to access nearby shops & services.

The proposed development is therefore on balance considered to be acceptable in terms of the development plan when taken as a whole and is recommended for approval together with 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

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:

Drawing CHI/17089/P 1 OF 3 "Proposed Floor Plans & Proposed Section" (May 18);
 Drawing CHI/17089/P 2 OF 3 Rev A "Site Location Plan, Proposed Site Plan & Proposed Elevations" (May 18);
 Drawing CHI/17089/P 3 OF 3 Rev A "Proposed Site Plan" (May 18);
 Drawing 2018-4370-001 Rev A "Visibility Splays" (July 18); and
 Drawing 2018-4370-002 Rev A "Vehicle Swept Path Analysis" (July 18).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-31.

- 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 4 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor buildings, plant and

stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 5 No development shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided by the Local Planning Authority and such facility shall be retained in working order and throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety and in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

- 6 No development above damp proof course (DPC) level shall take place unless and until a scheme for protecting the proposed dwellings from noise from A29 road traffic and noise from the scrapyard to the West has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed prior to the occupation of any of the dwellings. The noise protection measures shall be retained thereafter.

Reason: To safeguard the amenities of residents in accordance with Arun Local Plan 2011-2031 policies D DM1, QE SP1 and QE DM1. It is considered necessary for this to be a pre-commencement condition as it may not be possible to retrofit mitigation measures once a building has been completed.

- 7 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building has 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 and character and appearance of this semi-rural area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan 2011-2031.

- 8 Neither of the dwellings shall be occupied unless and until the bin stores have been constructed in accordance with the approved drawings and the two bin stores shall thereafter be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan 2011-2031 policy W DM3.

- 9 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: To secure satisfactory standards of access for the proposed development in accordance with in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

- 10 No part of the development shall be first occupied until covered and secure cycle parking

spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 and T DM1 of the Arun Local Plan 2011-31.

- 11 No part of the development shall be first occupied until minimum visibility splays of 2.4 x 59 metres have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

- 12 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with the NPPF and policy T SP1 of the Arun Local Plan 2011-31.

- 13 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies QE DM2, QE SP1 and ENV DM5 of the Arun Local Plan 2011-2031.

- 14 No development or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun District Council Local Plan 2011-2031

- 15 Should any other sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to any other existing foul sewers in accordance with policy W SP1 and W DM1 of the Arun District Council Local Plan 2011-2031

- 16 If during development, contamination not previously identified, is found to be present at the

site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policy QE DM4.

- 17 The four first floor front facing bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers in accordance with policy D DM1 of the Arun Local Plan 2011-31.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of the new dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy D DM1 of the Arun Local Plan 2011-31.

- 19 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.

- 20 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 21 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.

- 22 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or

www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

- 23 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

AL/136/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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 100018487. 2015

PLANNING APPLICATION REPORT

REF NO:	A/74/18/OUT
LOCATION:	The Laurels Dappers Lane Angmering BN16 4EN
PROPOSAL:	Outline Planning Permission with all matters reserved, except access, for the demolition of existing outbuildings and the erection of 9No. two storey dwellings consisting of 2No. two bedroom dwellings, 3No. three bedroom dwellings and 4No. four bedroom dwellings. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Outline application for the demolition of outbuildings on site and the erection of 9 detached dwellings. The application only relates to access and reserves appearance, landscaping, scale and layout to be considered as part of a further application. The indicative details indicate nine new dwellings consisting of 2 no. two bedroom, 3 no. three bedroom properties and 4 no. four bedroom properties. The properties are predominantly detached dwellings with a pair of semi-detached properties fronting Dappers Lane.</p> <p>The layout of the proposal has been designed around the existing access into the site, with a turning head located at the south eastern part of the site. Plots 3-9 are positioned to the rear of the site and are arranged around a north/south access road.</p> <p>Pedestrian access is available directly from the site to the footpath on the opposite side of Dappers Lane at Merryfield Crescent which provides access to the heart of the village.</p>
SITE AREA	0.58 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	15.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The northern and southern boundaries to the neighbouring properties consist of trees, hedges and other vegetation. On the western extent of the site, shrubs, and trees screen the site from Dapper's Lane.
SITE CHARACTERISTICS	The site is currently part of a plot attached to a residential dwelling and comprises outbuildings previously used for horticultural production. The site is L shaped and the area to

the far east of the site is presently populated by a variety of small trees and shrubs.

A series of hedges enclose a garden which relates closely to the existing house to the west of the site. Some of these hedges extend to and line the boundaries along with a variety of taller mature trees of varying quality.

CHARACTER OF LOCALITY

Semi rural with some former nursery sites in commercial use and detached residential dwellings. The site is bounded by residential development on the north, south and western sides of the site. The land immediately to the north of the site is made up of light industrial units, with a collection of small single storey buildings.

RELEVANT SITE HISTORY

A/54/49	Horticultural Nursery	Approve 19-01-50
A/15/05/	Single storey rear extension	ApproveConditionally 16-03-05

A recent outline planning application for a nearby site to the North of the The Laurels (Merry England Nursery) was granted permission for 18 residential units, in a mix of 2, 3 and 4 bedroom units (ref A/142/16/OUT). This was followed by approval of A/178/17/OUT for 6 no. 3 and 4 bedroom residential units which granted permission at 'Crete Nurseries', also to the north of The Laurels.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection - The site is outside the built up area boundary.

COMMENTS ON REPRESENTATIONS RECEIVED:

Following the adoption of the new Arun Local Plan in July 2018 the Angmering built up area boundary was revised and the site now lies within it. However, the site is outside the built up area boundary as depicted by the Angmering Parish Neighbourhood Plan.

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Engineering Services Manager

Engineers (Drainage)
 Engineers (structural)
 Ecology Advisor
 Parks and Landscapes
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Arboricultural Officer - No Objection.

Environmental Health - No Objection. Conditions requested.

County Highways - No Objection. There have been a number of small scale residential developments similar to the one proposed along Dappers Lane in recent years, all of which the Local Highway Authority have commented on and not raised objection. This proposal is acceptable in terms of access safety, indicative turning spaces and car parking.

Ecology Officer - Lighting should take account of bats. A reptile survey should be submitted with the application. Site clearance should avoid nesting time.

Drainage Engineer - No Objection. Request that standard conditions are imposed.

Landscape Officer - No Objection subject to a landscaping condition. As this is a small development there would be no requirement for on-site play however it would trigger an offsite contribution for play provision. This would be at a rate of £1,600/unit which would be a requirement of £14,400 for these 9 dwellings, location and project to be agreed.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The request for financial contributions towards off site play provision has is not justified in the light of the NPPG (Paragraph: 031 Reference ID: 23b-031-20161116) and Written Ministerial Statement of 28 November 2014 which states that tariff style contributions should not be sought from developments of 10 units or less.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary - Arun Local Plan 2011-2031.

Outside Built Up Area Boundary - Angmering Neighbourhood Development Plan.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	W DM1 Water supply and quality
ENVDM5	ENV DM5 Development and biodiversity

ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
QEDM4	QE DM4 Contaminated Land
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary
 Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix
 Angmering Neighbourhood Plan 2014 POLICY HD4 Materials
 Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form
 Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design
 Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
 Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments
 Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant policies in the Angmering Neighbourhood Plan have been taken into account.

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 complies with the Development Plan in that it proposes residential development within the built up area boundary as it applies to the Arun Local Plan and would not adversely impact on either visual or residential amenity or the character of the area.

However it conflicts with the Development Plan in relation to Angmering Neighbourhood Plan where it lies outside the built up area boundary and is therefore contrary to the policy requirement that development of Angmering village is focused within the built up area boundary.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that, in instances where there is a conflict between two elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Therefore, the built up area boundaries in the Local Plan are the determinant boundaries.

OTHER MATERIAL CONSIDERATIONS

The evidence underpinning the Arun Local Plan has been recently found sound by the Inspectorate and post dates that used to prepare the Angmering Neighbourhood Development Plan policy HD1.

There are other material considerations that warrant a decision other than in accordance with the development plan namely:

- The acceptable impact of the proposal on the character of the area.
- Other approved similar development on adjoining sites which would warrant approval of the application.
- The built up area for Angmering as defined by the Arun Local Plan is based on evidence that post dates that used to formulate the Angmering Neighbourhood Development Plan and its built up area boundary.

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary of the Local Plan where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Policy HD1 of the Angmering Neighbourhood Plan states that "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the Arun Local Plan and that , without a Built Up Area Boundary significant further development would encroach into open countryside." The site is not within the Built Up Area Boundary as defined in the Neighbourhood Plan, but it is within the more recently adopted and up to date Arun Local Plan.

As stated above, the Local Plan BUAB's essentially supersede those in the NP and the principle of development is therefore acceptable as the application site was within the defined BUAB in the more recently adopted part of the development plan.

Arun Local Plan 2011-2031.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards) and T SP1 (Transport and Development) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Angmering Parish Neighbourhood Plan (ANP)

Policy HD3 seeks to provide, where the development is for more than 6 residential units, the right type of dwellings in terms of room sizes. As the application reserves layout for a further application if this one is approved, it is not necessary at this stage to justify any given number of rooms/dwelling.

Policies HD4 (Materials), HD5 (Built Form), HD6 (Housing Layout and Design) and HD7 (Housing Density) seeks to ensure that development by way of materials used, appearance and design are appropriate to their location.

It is also material to this application that outline planning permission for residential development has been granted at sites to the north of the site and Given the density of the area and of those recent permissions to the north of The Laurels with a smaller site area, it is considered that the provision of nine residential dwellings on the site is appropriate.

Policies HD8 (Parking for New Developments) and TM1 (Local Highways) aim to ensure that development provided the right amount of parking and maintains highway safety.

CHARACTER & VISUAL AMENITY

The site is bounded by residential development to the north, south and western sides. The land immediately to the north of the site is made up of light industrial units, with a collection of small single storey buildings, many of which also have flat roofs making for a low profile. The surrounding area is characterised by largely two storey residential development with some limited bungalow development. The design of residential development to the west is largely uniform in style with two storey dwellings facing the street. The character of the area is thus considered to be suburban and semi-rural in character typified by large detached and semi-detached properties. Existing trees and vegetation contribute to the character of the area.

Residential development on the eastern side of Dappers Lane consists of a mixture of front facing and flank facing development. Plots 1 and 2 are indicated to front onto Dappers Lane reflecting the development of both properties to the north and south of the site. A substantial set back is proposed reflecting the nature of development on the eastern side of Dappers Lane. The retained vegetation and proposed increased planting on the western boundary will maintain and enhance the existing tree lined and vegetated nature of Dappers Lane. Whilst the proposal will be visible from Dappers Lane, the existing and proposed boundary treatment will largely screen the development from view. The units are proposed to be set back within the site to reduce any perceived impact.

The east of Dappers Lane features sporadic residential development of various designs and styles with some commercial development to the north and south of the site. This commercial development is less developed than the established residential development to the west of the site but is nevertheless considered relevant when considering the character of the area. A recent planning approval has been granted (A/27/16/PL) for the construction of 53 care apartments approximately 200m to the south of the proposed site (to the east of Dappers Lane) and A/142/16/OUT for 18 dwellings to the north abutting the site and A/178/17/OUT for 6 dwellings at Crete Nursery.

The proposal is considered to be in keeping with the character of the surrounding area and consists of detached and semi-detached, two storey properties as characterised by the existing development along Dappers Lane as well as the proposed developments surrounding the site.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

The approved development to the north (A/142/16/OUT) has a density of approximately 15.9 dwellings per hectare (dph) with the existing residential development to the west of that site having a density of approximately 25dph. The density of A/178//17/OUT, if the existing dwelling is included is 20.5dph. The development density proposed at 15.5 dph is acceptable given the established and approved density of development on nearby sites. The proposal therefore accords with policy HD7 of the Angmering Neighbourhood Plan which requires development to be of a density appropriate for and in keeping with the setting of the immediate surrounding area.

The detailed design, layout, scale, external appearance and landscaping of the 9 new dwellings will be a reserved matter when the choice of materials used together with the design, siting, scale, layout and orientation of the proposed dwellings will be carefully assessed.

RESIDENTIAL AMENITY

Layout is not included as part of this application. At a later stage if this application is approved and layout comes up for consideration, the impact that the proposed dwellings have on each other in terms of their residential amenity will be carefully examined. However, the submitted indicative plans indicate that in terms of the impact of the development upon the residential amenity of existing neighbouring properties there will be no unacceptable adverse impacts on properties to the north, south and east of the site. Within the site where the rear of properties face each other the distances exceed 20m which is considered acceptable to prevent adverse overlooking.

The indicative layout plan demonstrates that acceptable rear garden sizes and depths greater than 10m can be achieved to each plot.

The level of accordance of the proposal with the Nationally Described Space Standards will be considered further in the reserved matters application.

To the south and north of the site are consented Class B1 uses (Business & Light Industrial). It is considered that such an approved use will not give rise to unacceptably adverse impacts upon residential amenity of the dwellings. The B1 uses by their nature/definition are deemed appropriate within a residential area.

The proposed development will not give rise to any unacceptably adverse impacts to residential amenity and as such will accord with policy DDM1 (3).

HIGHWAY CONSIDERATIONS

The Local Highways Authority (LHA) has assessed the Road Safety Audit submitted by the applicants and are satisfied that the development proposed will not give rise to severe or unacceptable impacts to the operation of the highways network subject to inclusion of relevant conditions.

The indicated proposed parking provision has been considered by the LHA who have acknowledged that it meets the requirements of the West Sussex County Council (WSCC) Parking Demand Calculator. Therefore, it has been satisfactorily demonstrated that adequate parking provision is achievable in accordance with policy TSP1 of the Arun District Local Plan and policy HD8 of the Angmering Neighbourhood Plan.

DRAINAGE/FLOODING

The application site is situated within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. WSCC Flood Risk Management Team have identified the site as being at low risk from surface water flooding and of negligible risk of ground water flooding.

The applicants have identified that the proposal will be served by the provision of septic tanks, but the

specific foul water drainage strategy could be secured through conditions.

Arun District Council drainage engineers have also been consulted in relation to this application and have raised no objections with suitable conditions having been proposed. These conditions relating to the provision of Sustainable Urban Drainage Systems have been included in this recommendation. The proposal would therefore comply with Policy WDM3 of the Local Plan.

ECOLOGY/BIODIVERSITY

A Preliminary Protected Species and Bat Roost Assessment Survey accompanied the application. No objection from the Council's ecology consultant has been raised in relation to bats and a relevant condition has been proposed and included in this recommendation report. The lighting scheme for the site will also need to take into consideration the presence of bats and this is included as an Informative. A further reptile survey is awaited in accordance with the advice of the Ecologist. A report update will be prepared to advise on the outcome of the final advice by the ecologist following consideration of the submitted survey.

SUMMARY

Whilst the proposal do not accord with all development plan policies, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, the principle of the proposals would accord with the development plan.

The proposed development is in outline form and based on the indicative details submitted it is not considered to result in any unacceptable adverse impacts on the area by way of appearance, design, neighbouring residential amenity and local highway terms and is therefore in accordance with relevant development plan policies DSP1, DDM1, DDM2 & TSP1 of the Arun District Local Plan, policies HD3 (Housing Mix), HD4 (Materials), HD5 (Built Form), HD7 (Housing Density), HD8 (Parking for New Development) and TM1 (Local Highways) of the Angmering Neighbourhood Plan and is 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

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 permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

Location 0242-P002 revA
Block Plan 0242-P001 rev B.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 4 Following approval of this application and before the reserved matters applications are determined, the applicant shall submit an acoustic report to demonstrate that the internal and external noise levels of the proposed residential units bordering these sites, including access thereto/from, will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and World Health Organisation:2009. The applicant should also demonstrate application of guiding principles from ProPG: Planning & Noise May 2017 as well as from the Planning Noise Advice Document, Sussex, July 2015. Any mitigation measures which may prove necessary are to be specified and such a scheme to be approved in writing by the Local Planning Authority. Any works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and retained thereafter. Post construction validation testing to be carried out within 8 weeks of completion of those residential units closest to the noise sources to demonstrate to the satisfaction of the Local Planning Authority that the above standards are met.
- The details agreed shall be adhered to at all times thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun

Local Plan policies QEDM1 and QESP1.

- 5 Prior to occupation of the dwellings details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority. External lighting in association with this development shall comply with the institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 - Rural.

Reason: In the interests of protected species in the locality in accordance with policies ENV DM5 & QE DM2 of Arun Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- . An indicative programme for carrying out the works.
- . The anticipated number, frequency and types of vehicles used during construction.
- . The method of access and routing of vehicles during construction.
- . The parking of vehicles by site operatives and visitors.
- . The loading and unloading of plant, materials and waste.
- . The storage of plant and materials used in construction of the development.
- . The erection and maintenance of security hoarding.
- . The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- . Details of public engagement both prior to and during construction works.
- . Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method since foundation piling is likely to occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- . Detail of any flood lighting, including location, height, type and direction,
- . Measures to control the emission of dust and dirt during construction.
- . Proposed construction days/hours.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies TSP1, QEDM1 and QEDM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a road which could compromise highway safety in accordance with the National Planning Policy Framework.

- 7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - All previous uses.

- Potential contaminants associated with those uses.
 - A conceptual model of the site indicating sources, pathways and receptors.
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policy QEDM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policy QE DM4.

- 9 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policy QE DM4.

- 10 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Dappers Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level at all times or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan .

- 11 No development shall commence until the vehicular access serving the proposed use has been constructed in accordance with the details indicated on drawing 0242-P001 rev B.
- Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan.
- 12 The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bat movements. Details of such retention and enhancement shall be submitted to and approved by the Local Planning Authority prior to commencement of development. These details should include provision of a buffer strip around the hedgerows, fencing during construction to ensure this area is undisturbed and filling of any gaps with native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, new hedgerow should be planted. The details agreed shall be adhered to at all times.
- Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.
- 13 The current plans show that the main house and garage are being retained. Due to the high potential for bats within these buildings if plans change and any works are required to these buildings then further details of a bat scheme shall be submitted to and approved by the Local Planning Authority prior to commencement of any works to the building(s). The details agreed shall be adhered to at all times.
- Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.
- 14 Development shall not commence, other than works of site survey and investigation, 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, and 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 adhered to and maintained in good working order in perpetuity.
- Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WSP1, WDM1, WDM2 and WDM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.
- 15 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.
- Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.
- Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WSP1, WDM1, WDM2 and WDM3 of the Arun 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.

- 16 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. 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 in accordance with policies WSP1, WDM1, WDM2 and WDM3 of Arun Local Plan.

- 17 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 18 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. The details thereby agreed shall be adhered to at all times thereafter.

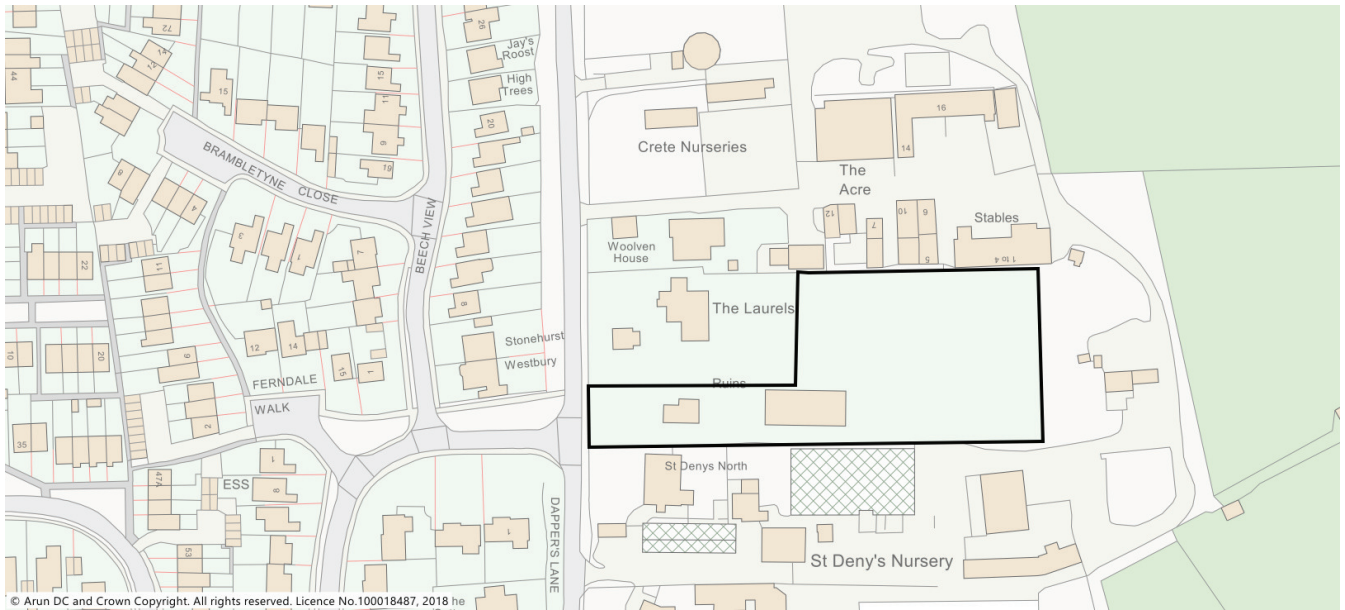
No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion and in accordance with policy WDM1 of the Arun Local Plan.

- 19 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 20 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 21 INFORMATIVE: The use of a sewage treatment plant/septic tank for the disposal of foul sewerage will need to be agreed with the Environment Agency.
- 22 INFORMATIVE: The following ecological enhancements should be considered for inclusion in any details submitted:
- Any trees removed should be replaced at a ratio of 2:1.
 - Filling any gaps in tree lines or hedgerows with native species.
 - Bat and bird boxes installed on the site.
 - Grassland areas managed to benefit reptiles.
 - Log piles on site.
- 23 INFORMATIVE: You are advised that Environmental Health now has a requirement that each home should have an Electric Vehicle charge point. A suitable number of vehicle charging points must be installed in any reserved matters application. Petrol and diesel cars and vans will not be sold beyond 2040, to mitigate against any potential adverse impact of the development on local air quality.
- 24 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.

A/74/18/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: FG/94/18/PL

LOCATION: 55 Sea Lane Gardens
Ferring
BN12 5EG

PROPOSAL: Erection of 1 No. chalet style bungalow

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 3 bedroom detached dwelling with a floor area of 7m by 11m. The proposed building is a 2 storey property with a ridge height of 6.6m and an eaves height of 4m. The application includes parking to the site frontage and a balcony on the north, front elevation. The materials are referred to generally on the elevation plans and include a slate roof, white smooth render, dark grey cladding, clay facing brickwork and smooth blue engineering bricks.
SITE AREA	0.048 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a group of mature trees along the edge of the driveway at entrance to the site. There is a larger group of mature trees along the rear boundary which should be retained.
BOUNDARY TREATMENT	Fencing and hedging.
SITE CHARACTERISTICS	The site is located within an area of detached dwellings on the north side of Sea Lane set back from the road and backing onto Greenways Crescent at the rear. It has a pleasant, low density character with extensive tree cover. No. 55 is a larger than average plot and measures approx. 26m wide by 52m deep. The proposed plot is of a similar depth but narrower by approximately 10-12m and situated between numbers 55 and 57 Sea Lane Gardens. The proposed dwelling would be set back approximately 15m from the front boundary with a rear garden of 20m in length.
CHARACTER OF LOCALITY	Predominantly residential. The site is located within an area of detached dwellings on the north side of Sea Lane, set back from the road and backing onto Greenways Crescent at the rear. It has a low density character with plots of varying sizes within extensive tree cover.

RELEVANT SITE HISTORY

FG/103/74	O/A To Demolish Existing Chalet Bungalow & Garage Equally Divide Land & Build 2 Chalet Bungalows	Refused 06-12-74
FG/32/18/HH	Reconstruction of existing front sunroom to current standards and to incorporate it with lounge/study by removing existing glazed screen/walls.	ApproveConditionally 08-05-18

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Objection - The proposed development is out of character with the area and it is evident this is an over development of the site. It will also change the visual impact on the street scene. Arun District Council's policy is against back garden development.

Ferring Conservation Group - Objection:

- Overdevelopment of the site.
- Out of character with Sea Lane Gardens (north). This is one of the most attractive areas of Ferring, with moderate-sized houses and bungalows on fairly large plots. The gardens are important to the setting of the dwellings and should not be filled with additional houses.
- The proposed dwelling is in fact a house.
- Gap between the proposed dwelling and the property to the east is too narrow. At two points the house on that property is built right up to the property boundary and this application would leave just one metre of space between the two buildings.
- The design of the building is also out of keeping with its neighbours.
- This would be a cramped development, overbearing on its neighbour to the east and out of character with the road as a whole.

Two Objections:

- Severe over development of the site.
- Contrary to policies (Parish Council & public) of infilling of gardens.
- Site access is to Sea Lane Gardens on a blind corner where cars are regularly parked on the bend.
- Proposed plans have no turning space.
- Form of the building is out of keeping with the surrounding area.
- Further pressure on local infrastructure.

COMMENTS ON REPRESENTATIONS RECEIVED:

The main concerns raised by the Parish Council and local residents relate to overdevelopment of the site and adverse impact on the street scene. It is considered that the proposed dwelling will be set back from the road and will be of sufficient size so as not to compromise the spacious character of the area. The new dwelling would be set back in line with 57 and 55 and would not constitute backland or back garden development. It would have a road frontage where county highways have not highlighted it as unsafe. The design is compatible with the local vernacular and is considered to be an example of a good quality contemporary design which will integrate with its surroundings.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. Request that a Construction Management Plan, parking and cycle parking are conditioned. The WSCC car parking calculator would envision 2 parking spaces for a dwelling of this size in this location which has been proposed by the plans. A turn on site would be preferred, however there is not sufficient space on site for this. Given the low traffic along the private access road and similar existing neighbouring situations, it is not anticipated that vehicles reversing from the site onto the private access road would cause a 'severe' highway safety concern.

Drainage Engineer - No comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested conditions are recommended to be imposed.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

[Ferring Neighbourhood Plan 2014 Policy 1A](#)

A Spatial Plan for the Parish

Ferring Neighbourhood Plan 2014 Policy 10

Sustainable water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011 -2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Arun District Local Plan was adopted on 18th July 2018.

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.

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 Ferring Neighbourhood Plan has been made and the relevant policies considered in the determination of 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."

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 lies within the built up area boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Arun Local Plan 2011-2031.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards) and T SP1 (Transport and Development) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Ferring Parish Neighbourhood Plan.

Policies 1A (Spatial Plan for the Parish) and 10 (Sustainable Drainage Systems) of the Ferring Neighbourhood Plan 2014 (NP) are relevant to consideration of this application. Policy 1A, supports proposals inside the built-up area boundary provided they are suited to an urban setting and accord with the provisions of the Neighbourhood Plan and with other relevant development plan policies.

Policy 10 requires Sustainable Drainage Systems to be considered. The drainage for the proposal would

be controlled by Building Control Regulations.

DESIGN AND VISUAL AMENITY

No 55 is larger than the average plot in the locality and measures approx. 26m wide by 52m deep. The proposed infill plot is approx. 10m wide x 45m deep. Although narrower than other plots in the surrounding area it is considered to be of sufficient size to accommodate a modest 2 storey dwelling without compromising the spatial standards or amenities of the area. The division of the site represents an efficient use of the space for housing and is more in keeping with the plot size of many of the surrounding properties.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

The proposed dwelling would be set back approx. 15m from the front boundary with a rear garden of 20m. The proposed set back position reflects that of the adjacent properties and would be in keeping in the street scene. The new proposed dwelling will replicate the adjacent chalet bungalow design. The proposed dwelling would be 2 storey with a pitched roof with a gable end front elevation facing the road. The design incorporates extensive glazing to front and rear elevation with a full width balcony to the first floor and a full height glazed section to the ridge. Whilst this is not comparable with materials found elsewhere it does not represent a materially harmful impact on the character and appearance of the locality. The overall height is slightly lower, but comparable with nos. 55 and 57 and the separation between 55 and the new dwelling is acceptable so as to not compromise the spatial characteristics of the area.

The site is reasonably well screened from the road frontage. Retention of existing hedging/vegetation is proposed along the site frontage which includes several mature trees near the entrance to the site. Additional planting is indicated on the site plan in the form of approx. 10 cherry trees, but these are not within the red edge of the application site. They may provide additional screening in the longer term but cannot be controlled by condition and there is therefore considered to be justification for the imposition of a landscaping condition to cover additional planting along the side boundaries to provide sufficient screening in the long term. The hard and soft landscaping elements will utilise high quality materials and decorative features to match the quality of the proposed building. This will help to enhance the building and link the external and internal spaces.

The proposal is therefore considered to accord with policies DSP1 and DDM1 of Arun District Local Plan.

RESIDENTIAL AMENITY

The new dwelling will be 8m from no. 55 but only 1m from no 57. The 1m gap between the proposed dwelling and no. 57 provides only minimum separation, but due to its position on the site adjacent to the neighbouring dwelling it is not considered to result in material residential amenity harm. The first floor balcony may result in some degree of overlooking of the front garden of 57 but there will be no harmful loss of privacy to amenity since the front garden is not the principal private amenity area.

The proposed building is a 2 storey property with a similar ridge and eaves heights to number 55 & 57. From the road, the principal elevation has been purposely reduced in scale to minimise any impact to the neighbouring properties and also is well screened from the mature trees and roadside planting.

There are considered to be sufficient mature trees along the rear boundary to provide adequate screening to the existing properties in Greenacres Crescent to the north and these should be retained via the recommended landscaping condition.

The adjacent chalet style dwelling to the east has no principal windows in the side elevation and the

dwelling proposed would not extend significantly forward or behind this neighbouring property which would prevent any undue overbearing effects resulting.

There are no windows proposed in the side elevations of the dwelling although roof lights are incorporated within both roof slopes. These would have a cill height of 1.7m and would not therefore result in any materially harmful overlooking to neighbouring dwellings.

The proposal is therefore considered to accord with policy DDM1 of the Arun Local Plan.

The proposal has a gross internal floor area of 112 sqm. Policy DDM2 of the Local Plan requires adherence to the Nationally Described Space Standards. According to these standards the minimum gross internal floor area for a 3 bedroom 2 storey dwelling is of 102 m2. The proposal would therefore comply with this standard and policy DDM2 of the Arun Local Plan.

ACCESS AND PARKING

Adequate on site parking is proposed for 2 spaces in front of the dwelling. County Highways have raised concern about the lack of turning space within the site but accept that there is not sufficient space on site for this. Given the low traffic along the private access road and similar existing neighbouring layouts, it is not anticipated that vehicles reversing from the site onto the private access road would cause a 'severe' or unacceptable highway safety concern. On this basis no highway objections are raised. The proposal is therefore considered to accord with policy T SP1 of the Arun Local Plan.

SUMMARY

For the reasons set out above the proposal is considered to accord with Arun Local Plan policies SD SP2, DDM1, DDM2, QE SP1 and TSP1 and is therefore compliant with policy 1A of the Neighbourhood Plan which supports proposals inside built up area boundaries provided they are suited to an urban setting and accord with provisions of the neighbourhood plan and with other relevant development plan policies.

The application 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

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
Location 1000 rev00, Block 1001 rev00, Site 1002 rev00, Proposed Plans, Section 2001 rev00 and 2002 rev00.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 3 The dwelling shall not be occupied, until details of boundary treatment have been submitted and approved and constructed in accordance with details approved by the Local Planning Authority.

Reason: In the interests of the amenity in accordance with policy DDM1 of the Arun District Local Plan.

- 4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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 DDM1 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the side elevations of the dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies DDM1 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling

houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy DDM1 of the Arun District Local Plan.

- 7 The dwelling shall not be occupied until the parking spaces 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 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 TSP1 of the Arun District Local Plan.

- 8 The dwelling shall not be occupied until provision for cycle parking has been made in accordance with details to be submitted to and approved by the Local Planning Authority. The space so provided shall be retained in perpetuity.

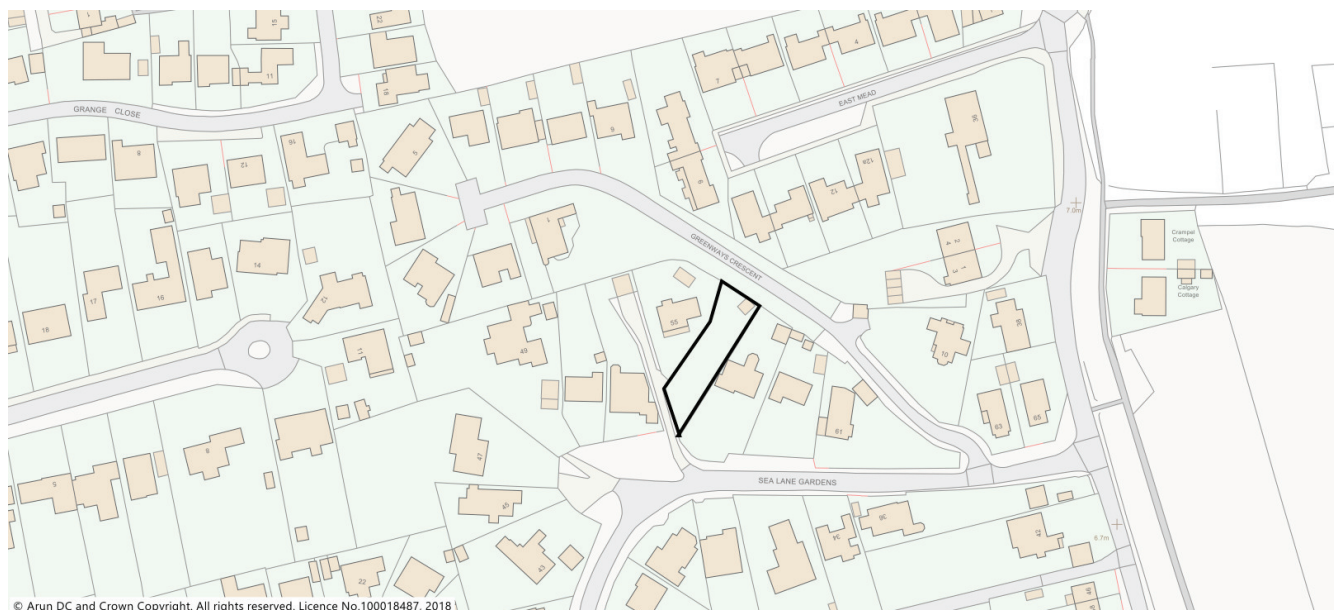
Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy T SP1 of the Arun District Local Plan.

- 9 No development shall be commenced until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction and confirming operating hours. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access which could compromise highway safety in accordance with policy T SP1 of the Arun District Local Plan and the NPPF.

- 10 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.

FG/94/18/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

5th September 2018

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

A/57/18/T Received: 16-08-18	Manor House Mulberry Hollow Angmering Reduce 1 No. Ilex Oak by 3m in height & radial spread, raise Crown to approximately 5m & remove 1 large limb over hanging neighbours rear gate. Written Representations PINS Ref: APP/TPO/C3810/6922
CM/1/17/OUT Received: 27-11-17	Land West of Church Lane & South of Horsemere Green Lane Climping Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non-Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space & ancillary works, including car parking & drainage arrangements, with appearance, landscaping, layout & scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, & indicated on Bellamy Roberts drawings numbered 4724/004 & 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan & affects the setting of Listed Buildings. Public Inquiry 10-07-18 PINS Ref: APP/C3810/W/17/3187601
EP/148/17/PL Received: 03-07-18	20 Lashmar Road East Preston 1 No. dwelling with associated car parking, dropped kerb access & planting. Written Representations PINS Ref: APP/C3810/W/18/3195910
FG/162/17/PL Received: 11-06-18	1 Upper West Drive Ferring Demolition of existing detached garage & erection of 1 No. dwelling. Written Representations PINS Ref: APP/C3810/W/18/3195419
FG/194/17/PL Received: 01-08-18	South Point 1 Beehive Lane Ferring Erection of 1 no. 1 bed dwelling - Resubmission of FG/135/17/PL Written Representations PINS Ref: APP/C3810/W/18/3198792
FP/45/18/T Received: 18-07-18	Japonica 9 Lionel Avenue Bognor Regis Fell 1No. Silver Birch and 1No. Ash Tree. Written Representations PINS Ref: APP/TPO/C3810/6874
K/5/17/HH	Kingston Manor Kingston Lane Kingston

Received: 17-08-17

Construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/W/17/3175616

R/99/17/PL

Received: 03-07-18

Rustington Parish Church Hall 77 The Street Rustington

Replace 6 No. windows on south elevation & 4 No. windows on east elevation with double glazed PVCu windows. This application affects the character & appearance of the Rustington Conservation Area.

Written Representations

PINS Ref: APP/C3810/W/18/3193597

WA/73/17/OUT

Received: 24-07-18

Land East of Wandleys Lane and West of West Walberton Lane Fontwell

Outline Planning Application with some matters reserved for up to 157 No. residential dwellings including 30% affordable. This application is a Departure from the Development Plan.

Public Inquiry

PINS Ref: APP/C3810/W/18/3205332