

PLANNING APPLICATION REPORT

REF NO: AL/4/22/PL

LOCATION: Mildmay
Hook Lane
Aldingbourne
PO20 3TE

PROPOSAL: Demolition of existing property and erection of 1 No. 4 bed dwelling with ancillary parking. (Resubmission following AL/89/21/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to demolish the property and replace with a two storey 4 bed dwelling.
TREES	None of any significance affected.
BOUNDARY TREATMENT	Fencing and hedging to side elevations. The boundary to the front is open to allow parking.
SITE CHARACTERISTICS	Detached single storey dwelling with parking to front and garden to rear.
CHARACTER OF LOCALITY	Semi-rural ribbon of residential development. The area has no uniform design or character, the road is characterised by detached dwellings of varying heights, design and materials. New estates recently constructed in the vicinity.

RELEVANT SITE HISTORY

AL/89/21/PL	Demolition of existing property and erection of new 4 bed dwelling house with ancillary parking.	Refused 09-12-21
AL/123/17/PL	Demolition of existing dwelling & erection of 1 No. dwelling (resubmission following AL/83/17/PL).	ApproveConditionally 11-04-18

An application for a replacement dwelling was approved in 2017 but not implemented. This application alters the design which is more traditional than previously approved.

An application for the replacement dwelling was refused in 2021. This was resolved the be granted permission by Planning Committee on 24 November 2021 subject to a suitable ecological survey being submitted. No such survey was submitted so the application was refused permission under the delegated authority granted for this reason only.

REPRESENTATIONS

Aldingbourne Parish Council provided an objection.

- Overdevelopment.
- If minded to approve, drainage should be adequately dealt with.

No representation received from nearby occupiers but the consultation does not end until the 24th of February.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted - see report below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

No changes to access arrangements are proposed. A photograph has been submitted in the Planning Statement which demonstrates the whole frontage is open and available for parking. The 'crossover' from Hook Lane into the site seem to be informal and not to current WSCC specification. The applicant should be aware the widest crossover that WSCC Highways permit a licence for would be 6.4m, so would need to be located centrally in the plot to access the parking spaces. The existing parking layout has been demonstrated as being 3 spaces parked perpendicular across the frontage. No changes are proposed to this.

On-site parking should be provided in line with the Arun DC supplementary planning guidance for parking in residential developments. The site is in Parking Behaviour Zone 2. For a 4-bed dwelling in this location it would be anticipated that 3 car parking spaces would be required. On this basis parking provision would be adequate. Secure/covered cycle parking provision should be provided.

The Local Highways Authority does not consider the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The application is accompanied by suitable ecological surveys and a consultation response from the Council's Ecologist is awaited.

POLICY CONTEXT

Built up area boundary
HRA Buffer
Lidsey Catchment Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
DDM2	D DM2 Internal space standards

[Aldingbourne Neighbourhood Plan 2019-31 Policy H8](#) Outdoor space

Aldingbourne Neighbourhood Plan 2019-31 Policy EH1 Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy EH9 Conservation areas

Aldingbourne Neighbourhood Plan 2019-31 Policy GA3 Parking and new developments

Aldingbourne Neighbourhood Plan 2019-31 Policy EH12 Protection of bat habitats

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES

The key issues are principle, design and visual amenity, residential amenity, highways/traffic and space standards.

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the Arun Local Plan (ALP) and the Aldingbourne Neighbourhood Development Plan 2 (July 2021).

The proposal results in no net increase in dwellings.

The site is in the built up area boundary (BUAB) where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and provided it accords with other policies of the Plan covering such issues as visual amenity/character, residential amenity and parking. Key policies of the Local Plan are D SP1, D DM1, ENV DM4, ENV DM5 and T SP1 of the Arun Local Plan.

Aldingbourne has a made Neighbourhood Plan. Policies relevant are H8, H9, EH1, EH6, EH10, EH12, GA3. Policy EH1 seeks to locate development in the BUAB, the proposal complies with this policy.

DESIGN AND VISUAL AMENITY

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

Para 130 of the NPPF states: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change."

The proposal seeks to demolish the bungalow and build a two storey property. A replacement dwelling was approved in 2017 however this application seeks a more traditional design. The property features a half hipped roof with bay window and open canopy porch to the front with single storey rear addition.

With an additional storey proposed the dwelling will increase in height, although it does not appear unduly dominant in the street scene. The dwelling does not extend further west to the front boundary or sit any closer to the boundaries of the neighbouring properties to the north or south.

The scale and massing of the property is consistent with the surrounding area which is mixed in design and style. The appearance and size of the property is similar to that of the neighbouring property to the south at 'Bramleys' and the dwelling will not appear out of character with the area.

Section J of the Arun Design Guide refers to new building design and states development must ensure the existing character and sense of place of an area is respected and enhanced. New development should generally reflect the scale of existing buildings and should avoid overshadowing of neighbouring properties. The proposal complies with these statements, being sympathetic in appearance to the area.

Policy H9 of the Neighbourhood Plan seeks details such as bins/cycle storage be considered. Cycle storage will be included as a condition for information to be submitted. As the dwelling is a replacement, bin storage will operate as existing and be located to the front of the property in accordance with WM DM1 of the Plan.

The proposal complies with policy D DM1, D SP1 and QE SP1 of the Local Plan and the Arun Design Guide and relevant NP policies in that the design, character and impact of the replacement dwelling is acceptable.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The dwelling is on a narrow site, 1-1.7m is retained to side boundaries which is similar to existing.

The neighbouring property to the north 'The Nook' is a detached bungalow. The side wall of the development would be set around 7m from the side elevation of The Nook. As a result of the separation distance and with sufficient hedging along the boundary, the dwelling by reason of its size and design does not result in adverse overbearing or result in significant loss of light or overshadowing. A rear projection increases the footprint of the dwelling to the rear with a depth of 4m and a height of 3.35m. The rear of 'The Nook' extends approximately 5.5m beyond this and the proposal is not considered to result in adverse harm such that refusal is justified.

Bramleys, to the south, is a two storey property. The development will not adversely impact this property which largely matches the footprint and height of the proposed dwelling. There are no windows to the first floor northern side elevation of 'Bramleys' and does not give rise to adverse overbearing or overshadowing.

There will be additional windows with two to the first floor rear elevation. These provide views over neighbouring gardens additional to that which is currently achieved. With a garden depth of 35m and with views similar to that achievable at neighbouring dwellings, overlooking is not significant. There will be one first floor window facing north. This serves a bathroom and it will be conditioned to remain obscured glazed to avoid overlooking.

Given the separation between the dwelling and the property to the north and the dwelling to the south of a similar size, the proposal does result in demonstrable harm by way of overbearing, overshadowing or overlooking on neighbouring amenity, in accordance with D DM1 of the Arun Local Plan.

SPACE STANDARDS

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance.

It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the dwelling is suitable for residential use. This states the following sizes should be achievable;

4bed	5persons	97 m2
	6person	106 m2
	7person	115 m2
	8person	124 m2

The floor plans measure approximately 146 sqm and complies with the space standards.

Section H.04 of the recently adopted Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The site plan demonstrates there would be adequately sized external amenity space provided with a depth of 35m and a width of 9m. The provision of amenity space accords with D DM2, H8 of the Aldingbourne NP and Section H.04 of the Arun Design Guide.

PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport.

Regard should be had to paragraph 111 of the NPPF which states: "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."

Arun District Council adopted its Parking Standards SPD in January 2020 and requires a 4 bed property in this location (Parking Behaviour Zone 2) to provide a minimum of 3 parking spaces on site. The block plan demonstrates that 3 spaces will be provided with an open frontage for vehicular access. No in principle highways concerns were raised. The provision and layout are the same as which is currently operating at the property.

The LHA does not consider that the proposal would have and an unacceptable impact on highway safety and as such accords with T SP1 of the Arun Local Plan and GA3 of the Aldingbourne NP.

Electric vehicle charging points at a rate of 1 charging point per house with a garage or parking space should be provided, as per the ADC Parking SPD and will be conditioned, along with suitable cycle storage provision.

BIODIVERSITY

ALP policy ENV DM5 requires proposals achieve a net gain in biodiversity and protect habitats on site.

Section E.03 of the ADC Design SPD seeks to protect and enhance biodiversity in the development site and the wider area.

The site falls in the Singleton and Cocking Tunnels, Special Areas of Conservation (SAC), consultation zone, which is identified for supporting maternity colonies of Barbastelle bats.

The conservation objectives of the SAC include avoiding the deterioration of the qualifying natural

habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species.

A HRA has been sent to Natural England regarding the proposals impact on bats. This notes the site is occupied by a dwelling and the use of the site will not change. With the site in use for residential purposes with some private garden to the rear/parking to the front, it is not considered that bat species will be reliant on the resulting development site as foraging habitat and is unlikely to significantly impact Singleton and Cocking Tunnels SAC in compliance with E12 and EH2 of the Aldingbourne NP.

An Ecological Impact Assessment was submitted which included details of a field survey that was undertaken at the site. This included a bat roost assessment. Trees on site were considered too immature to provide bat roosting suitability and the site and current buildings were found to have negligible value for bat roosting. The site is deemed to be a low ecological value with no habitats of interest noted.

Some ecological enhancements were provided in the report and will be implemented to ensure the replacement dwelling achieves a small biodiversity net gain and satisfies policy requirements. These include the inclusion of bat/bird boxes and planting. A condition will be imposed to ensure appropriate control on external lighting.

TREES

There are a few small trees to the rear of the site with none proposed for removal or in falling distance of the development. With the footprint only increasing marginally to the rear when compared to the proposal is not considered to result in harm on trees in accordance with EH6 of the Aldingbourne NP and ENV DM4 of the Arun Local Plan.

DARK SKIES

Policy EH10 of the NP seeks to maintain the dark skies and will not support proposals which detract from the unlit environments of the Parish. The property is located within a semi rural residential street. As the development replaces an existing dwelling, it is not considered to result in additional lighting that is not already in existence and complies with EH10 of the NP.

CLIMATE CHANGE

ALP policy ECC SP2 requires residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change. It is necessary to impose a condition on electric vehicle charging and renewable energy. This ensures compliance with the policy.

SUMMARY

This proposal represents appropriate redevelopment of a dwelling without compromising the visual amenity of the area or amenities of existing neighbouring residential occupiers. All other relevant development plan policies have been complied with. As there are relevant development plan policies which are not out of date, the proposal is in accordance with the NPPF para 11(c) which states that development proposals that accord with an up-to-date development plan should be approved without delay. It is recommended the application be approved in accordance 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Proposed Location and Block Plan - KP3
- Proposed Elevations and Floor Plan - KP1 and KP2

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

- 3 No development above damp proof course (DPC) level shall take place unless and until details and a timetable in the form of an Energy Statement (including details of physical works on site, sustainable construction methods that reflect the current standards at the time of submission, energy conservation and energy efficiency measures and renewable energy sources), has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy, reduce energy use, and ensure the

development is sustainable, in accordance with national planning policy, and in accordance with Policies ECC SP1 and ECC SP2 of the Arun Local Plan.

- 4 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 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.

- 5 Prior to occupation, the mitigation as provided in the Ecological Impact Assessment (Dec 2021) and enhancements as provided in Section 6 of the report (ecological enhancements) should be implemented in their entirety. The details approved shall be retained in perpetuity/as mentioned in the report.

Reasons: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 6 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 7 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 8 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 to be submitted to and approved by the Local Planning Authority. The details so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and TSP1 of the Arun Local Plan.

- 9 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 D DM1 of the Arun District Local Plan.

- 10 INFORMATIVE: Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND PAPERS

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

