

PLANNING APPLICATION REPORT

**REF NO:** A/257/22/RES

**LOCATION:** Land junction with Heathfield/Downs Way  
East Preston  
BN16 1AB

**PROPOSAL:** Approval of reserved matters following outline consent A/46/21/OUT for 2 No dwellings including details of the access, appearance, landscaping, layout, and scale. This application is in CIL Zone 4 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>Permission is sought for the approval of the reserved matters (layout, scale, appearance, access and landscaping) for the erection of 2 semi-detached dwellings. Outline permission was granted on appeal on A/46/21/OUT for a set of semi-detached 1.5 storey properties with all matters reserved. Indicative plans were submitted as part of the outline application.</p> <p>The dwellings are to be orientated at right-angle to each other with Plot 1 fronting Heathfield and Plot 2 fronting Downs Way. Although one of the properties is 300mm longer than the other, they are of a similar design. They measure 10m by 6.5m and consist of a kitchen/dining area and lounge to the ground floor and 3 bedroom to the first floor.</p> <p>The choice of material reflects the local vernacular, consisting of brick finish to the ground and render/tile hanging to the first floor with a low pitched, tiled roof.</p>
SITE AREA	1353 sqm.
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some trees are to be felled and some will be retained. Those to be felled are of low amenity value.
BOUNDARY TREATMENT	Open boundaries to the site.
SITE CHARACTERISTICS	An open grassed area of informal open space.
CHARACTER OF LOCALITY	A residential area comprising mainly detached and semi detached bungalows.

<b>RELEVANT SITE HISTORY</b>
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A/46/21/OUT	Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached	Refused 05-05-21
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dwellings with vehicular access, private amenity space & landscaping.

**Appeal: Allowed+Conditions  
21-04-22**

Application A/46/21/OUT was granted on appeal. The Inspector raised three main issues, those being effect on the character and appearance of the area, health and wellbeing of local residents and biodiversity.

The outline provided indicative plans showing 2 x 1.5 storey semi-detached dwellings. The Inspector noted that the indicative plans (due to the inclusion of half-hipped roofs and front dormers) were not reflective of the area, although the provision of housing on the plot did not harm the character and appearance of the estate. He saw that 'The estate is comprised of semi-detached bungalows, a small number of detached bungalows built in a similar style and terraces of homogeneous two storey houses.'

The Inspector also gave very little weight to the loss of the green space, as it is not included as an open green space in the neighbourhood plan and there are other much larger and more appropriate recreation grounds to be found nearby. Furthermore, as a result of the ecological appraisal indicating its low value and Local Plan policy requiring a net gain to be achieved, no objection in terms of loss of biodiversity on site was made.

Issues surrounding character and appearance, layout, scale, landscaping and access to the proposed development are considered within the conclusions of the report.

## **REPRESENTATIONS**

Angmering Parish Council - Objection on the following grounds:

- Unacceptable loss of trees/green space amenity to the detriment of residents and street scene.
- Green area is an integral design feature of Downs Way when originally constructed.
- Conflicts with the Angmering Neighbourhood Plan Policies HD5 and HD6.

7 Objections:

- There is already too much traffic using Downs Way.
- Detrimental to pedestrians and cyclists as it will reduce sight lines.
- Loss of mature trees.
- It is taking away a piece of green land that children play on.
- Will not conserve natural resources and biodiversity.
- Removal of one of the very limited numbers of green spaces available to estate is contrary to objective of providing accessible community facilities particularly to growing number of elderly local residents.
- Green spaces are beneficial to mental/physical well-being. Angmering has grown significantly in recent years.
- Adverse impact on view and outlook.
- Sets precedent for development on larger green spaces on the estate.

## **COMMENTS ON REPRESENTATIONS RECEIVED:**

The planning issues raised will be addressed in the conclusions section of this report.

## **CONSULTATIONS**

## **CONSULTATION RESPONSES RECEIVED:**

Environmental Health - No Objection.

Conditions suggested relating to noise, contamination and Construction Management Plan (CMP).

WSSC Highways - No Objection.

- Stopping Up Order would be required subject to approval of the application.
- Car parking for 4 spaces (2 per dwelling) in sufficient and in line with recommended levels.
- No turning provided on site however it is not anticipated to cause issues.
- Secure cycle stores provided in line with guidance.
- Site sustainable located.
- EV (electric vehicle) charging controlled by Building Regulations.
- This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 111).

ADC Engineers - No objection.

Conditions requested.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The matters concerning noise, land contamination and drainage raised by Environmental Health/Engineers are not matters relevant to this reserved matters application. A CMP condition for only 2 dwellings is not necessary.

### POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary.

WSSC Mineral Consultation Area.

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
DDM2	D DM2 Internal space standards
ENVDM5	ENV DM5 Development and biodiversity
ENVDM4	ENV DM4 Protection of trees

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

### PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

The relevant policies of the Angmering NP have been taken into account 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."

The proposal complies with relevant Development Plan policies in that the development of the site provides for two new homes which reflect the character of the area and will not significantly impact neighbouring occupiers.

**OTHER MATERIAL CONSIDERATIONS**

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

**CONCLUSIONS**

**PRINCIPLE**

The principle of development was accepted and agreed on appeal. This application is for the reserved matters which include layout, scale, appearance, access and landscaping. These issues will be discussed in the report conclusion below.

In this case, the key policies are D SP1, D DM1, D DM2, QE SP1, ENV DM4 and T SP1 of the Arun Local Plan (ALP) and HD 4, HD 5, HD 6, and HD 8 of the Angmering Neighbourhood Plan (ANP)

The Arun Design Guidance (Part P) has regard to infill development. It requires development to be reflective of existing building lines, existing building spacing and existing height, massing and scale of the locality.

Policy D DM1 of the ALP requires development to be of high-quality design, using appropriate materials and design features reflecting the local vernacular. This is supported by Policy HD4, HD5 and HD6 of the ANP which supports the use of materials harmonious to their immediate surroundings and requires housing layout and design to reflect high-quality design and incorporation of local design features.

## APPEARANCE

The character of the area is a mixture of rows of 2 storey terraced properties (of 3 to 4 dwelling per block) and semi-detached bungalows. The proposal is for a pair of two-storey semi-detached properties, which have been designed to reflect the appearance of other semi-detached properties in the immediate area and includes brick finish to the ground floors with render to the first floors, with vertical (ground to underside of roof) tile hung detailing. The pattern and type of fenestration matches neighbouring properties.

The properties unlike their indicative version, are not 1.5 storey and do not contain front dormers nor half hipped roofs both of which the Inspector identified as not being suited to the area. However, opposite the site and further south in close proximity are sets of terraced two storey properties which the Inspector noted as forming part of the character of the area. As such the two storey properties proposed here, with simple low pitched gable roofs, are more appropriate to their location than the indicative dwellings shown at outline stage.

Solar panels are included to the southern and western roof planes, although not part of the estates original design (given their age) retrofitted solar panels can be seen in this location.

The proposed dwellings will be built with materials and design features reflective of the local vernacular. For the reasons given above the proposed dwellings reflect the established character and appearance of the area and accords with policies D DM1, D SP1 of the ALP, policies HD4, HD5 and HD6 of the ANP and Part P of the Arun Design Guide (ADG).

## LAYOUT

The dwellings will be on a plot of amenity grass/scrub land separated from other parts of the estate by Heathfield and Downs Way. Separation gaps between elevations range between approx. 25m (to the nearest property in Heathfield) and 24m (to the nearest property in Downs Way). This is in line with Design guidance (Part H) which recommends a minimum of 21m between private habitable windows.

The dwellings take a simple rectangular form and are orientated at right-angles to each other making Plot 1 front Heathfield and Plot 2 front Downs Way. The side elevations of both properties are formed of gable-ends. Gable-ends and pitched roofs which front the highway are features of the area. The orientation of the dwellings provides for good surveillance to both street scenes as sought in Part J of the ADG.

Although an irregular, standalone piece of land, both properties have been afforded good space about them, more so than most of the other two-storey terrace dwellings in the location. Existing properties are formed of regular size/shaped plots of land, with gardens to the front and back of the properties. No significant harm arises from this as the frontages are of a similar depth to the other two-storey dwellings on the estate. As such the pattern of development when viewed from the street will retain its uniformity.

A landscape plan (No. 223149/10) has been submitted proposing a 1.8m high fence back from the edge of Downs Way to provide a more open appearance to the development as it abuts the road. The proposed fence line for Plot 2 now runs flush with the front elevation. This provides an open grass area, 6m in width to the front of the building and protects the open spacious character of the area.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. Section J.08 of the ADC Design SPD re-iterates this requirement. The proposed 3-bed, 5-person dwelling would have an internal space of 113m<sup>2</sup>, with the minimum requirement being 93m<sup>2</sup>. As such the proposed dwellings exceed the minimum standards.

Section H.04 of the ADG sets out standards for garden sizes and requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. Plot 1 provides a rear garden with a depth of between 12m & 7.4m (due to the staggered building line and plot shape) plus a front space of 6.20m. Plot 2 provides a maximum depth of rear garden of 8.8m but supplemented with a side return of 15m and a front garden of 6.2m. There is no conflict with the ADG in this regard.

#### **SCALE**

Policy D DM1 and QE SP1 of the ALP requires new development to have minimal impact on users and occupiers of nearby properties and requires development to contribute positively to its surroundings. The dwellings would be on a plot of land separated by the highways network from the other housing on the estate. As such there will be no loss of light, unacceptable overbearing impacts or loss of privacy.

Unlike the outline approval indicative plans, the proposed dwellings will be a full two storeys in height. However, as their overall height, roof pitch and eaves line match the two-storey properties directly opposite and elsewhere in the immediate locality, no significant harm on the character and appearance of the area justifying refusal of the application, will arise from this difference.

The scale of the proposed dwellings reflects other two-storey dwellings in this location and the scale of the proposal therefore accords with policies D DM1 and QE SP1 of the ALP.

#### **TREES/LANDSCAPING**

Policy ENV DM4 requires that where there are trees on a development site, the developer shall provide a tree survey, a tree constraints plan and an arboricultural impact assessment. A tree survey has been provided, trees to be removed and retained are clearly shown on the accompanying Landscaping Plan 223149/10. The Ecological Impact assessment has indicated the tree species. The trees on site are of low amenity/ecological value and not protected by a Tree Protection Order. 8 trees will be removed prior to development. No impact assessment is necessary as they are not protected. One larger lime tree, T9, will be retained. It is proposed to replant and replace lost trees amounting to 13 in total of a native type. Therefore, a net gain in the number of trees will be made.

Wildflower planting is included to the front of the site, which will make both a gain in terms of biodiversity and improve the visual interest of the site. The remaining gardens will be laid to lawn.

The proposal therefore accords with Policy ENV DM4 of the ALP.

#### **ACCESS**

WSCC Highways raise no objection on highway safety grounds. The proposal is compliant with policy T SP1 which requires safe access to the highway network for any development, appropriate visibility splays have been demonstrated. Parking provision should be provided in accordance with Arun Parking Standards. A development of this size requires four parking spaces. Parking bays must meet the minimum specifications for single car bays of 2.4m x 4.8m, 2 spaces per plot. These spaces have been provided and the requirements are met.

Secure cycle parking provision, in the form of sheds is proposed. This accords with Arun Parking Standards advice which requires the provision of at least one cycle for a two-bedroom house.

Plans also indicate that electric vehicle charging will be provided, this accords with Part I of the Arun Design Guide.

The proposal therefore accords with Policy T SP1 of the ALP and Policy HD8 of the ANP.

**SUMMARY**

The proposed development has satisfactorily provided details in relation to the reserved matters including layout, scale, appearance, access and landscaping. As such the proposal is recommended for approval subject to the following conditions and informatives.

**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) (CIL Zone 4)

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

- Location Plan 223149/07
- Proposed Block Plan 223149/08A
- Proposed Elevations 223149/04
- Proposed Floor Plans 223149/02
- Proposed North East/South East Street Scene 223149/05
- Proposed South West/North West Street Scene 223149/06
- Landscape Plan 223149/10

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.

- 2 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plans (223149/08A & 223149/10). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 and ENV DM4 of the Arun Local Plan.

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

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the car parking have been constructed in accordance with the approved site plan 223149/08A. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with drawing number 223149/08A. These spaces shall be retained for their designed purpose in perpetuity.

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

- 6 No development above damp-proof course (DPC) level shall take place unless and until the applicant has provided details for approval in writing by the Local Planning Authority to demonstrate that a proportion of the energy supply of the development will be secured from decentralised & renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) or if not it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. The development shall then be implemented in accordance with the approved details and retained as operational thereafter.

Should any air source heat pumps be proposed then technical specifications from the manufacturer should be submitted along with the proposed position of any potential heat pump to demonstrate that the sound pressure level from the heat pump will not be greater than 42dBA at the facade of the nearest noise sensitive receptor.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 7 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.

- 8      INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (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.
- 9      INFORMATIVE: development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process:

National Transport Casework Team  
Tyneside House  
Skinnerburn Road  
Newcastle Business Park  
Newcastle upon Tyne  
NE4 7AR

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

- 10     Please Note: This application seeks the approval of the Reserved Matters only (appearance, layout, scale, landscaping and access). Details also included in this application submission relating to a biodiversity net gain and EV charging point as required by the Planning Inspector (Conditions 4 and 5 of A/46/21/OUT) are still required to be discharged under a separate application.

<b>BACKGROUND PAPERS</b>
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[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)

**A/257/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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