

PLANNING APPLICATION REPORT

REF NO: A/20/23/PL

LOCATION: Land to Rear of 36-40 Meadowside
Angmering

PROPOSAL: Erection of 8no. Garages for non-commercial, domestic use (Use Class B8) to the rear of 36-40 Meadowside. This application is in CIL Zone 2 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Amended description: This application seeks to erect 8 No. garages for non-commercial, domestic use. Further details set out in conclusions section below. The applicant originally sought permission for the erection of 9 No. garages but the southernmost unit of the block has now been removed from the scheme bringing the total number of garages that would be built down to 8.
SITE AREA	~540 sqm.
TOPOGRAPHY	Predominantly flat.
TREES	There are 2 No. small trees affected by this proposal within the rear garden of No. 8 Brambletyne Close.
BOUNDARY TREATMENT	2.1m tall wooden boundary fence to the East boundary of the site. 2m tall brick wall to the North of the site. 2m tall wooden fence and ~2.4m tall garages to the South of the site. 2m tall wooden fence and ~2.4m tall garages to the West of the site.
SITE CHARACTERISTICS	Backland hardstanding with 2 No. rows of garages that run along the vehicular access point to the site. This area of hardstanding is surrounded by rear residential gardens and once served as an informal parking area for local residents. Currently, the land on which the proposed garages would be sited has been fenced off. The forecourt area of the proposed garages is not fenced off, but remains part of the land which is privately owned.
CHARACTER OF LOCALITY	Residential area predominantly consisting of two-storey terraced dwellings with limited off-street parking. Some of the terraces within the area feature shared open green spaces to the front and similar backland hardstanding with garages. St Margaret's C of E Primary School is 350m to the North West.

RELEVANT SITE HISTORY

A/80/22/CLP Lawful development certificate for the proposed erection of 11 No garages that was granted under A/32/64. PP Required
23-08-22

A/32/64 65 Terrace Houses And 65 Garages ApproveConditionally
09-07-64

This site is part of a larger residential site that was originally granted permission in 1964 under application ref: A/32/64. This development included approval for 11 No. garages for the use of residential occupiers on the site the subject of this application. However, these were never built.

The applicant sought to confirm whether planning permission would be required to build 11 No. garages (Use Class B8 - Storage and distribution) in this location through the submission of a Lawful Development Certificate (application ref: A/80/22/CLP). It was concluded that this would be a change of use and require planning permission, therefore, this application has been submitted.

REPRESENTATIONS

Angmering Parish Council - Objection. The proposal would be detrimental to the amenity of local residents contrary to policy QE SP1 of the Arun Local Plan.

17 No. Objections from nearby occupiers (Some individuals have submitted multiple objections):

- Concerns regarding ownership of the land.
- Concerns of increased traffic and lack of off-street parking.
- Safety concerns for pedestrian users.
- The land was used as informal parking for a long time which is no longer possible due to fencing and penalties.
- Adverse impacts to congestion due to too much on-street parking following loss of informal parking area.
- Removal of vegetation and hedgehog habitats that have developed naturally in this area.
- Concerns regarding commercial use of the garages and what constitutes Use Class B8.
- Concerns that no-one will police the use of the garages.
- Potential for increased criminal activity by residents due to unrest brought on by this proposal.
- Concerns of noise and air pollution from work vans.
- Concerns over rights of access into the land.
- Concerns of overshadowing.
- Concern of vehicle turning touching fences on the plans.
- Noting the amended garages are lower in height.

COMMENTS ON REPRESENTATIONS RECEIVED:

As a hardstanding piece of land used for parking, its value as a natural habitat is negligible. All other relevant planning comments made will be addressed in the conclusions section. Land ownership is not a material planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council - Highways - No objection:

- The proposal does not significantly change or intensify the use of the site, and the number of garages proposed has reduced from 11 to 9 from the previously approved planning application. As such, the change of use of the land from C3 to B8 is acceptable.
- The LPA should include a suitably worded condition to ensure the use of these garages is for domestic purposes only, to provide storage solutions for people living in the local area.
- The swept path diagrams (WLD-023-22-03) demonstrate a private car entering the site and turning at the end to exit in forward gear. Therefore, WSCC are satisfied the new garages would still allow for cars to park and turn on the site and to exit in forward gear.
- Condition requiring a construction management plan requested.

Environmental Health- No objection:

Conditions regarding the matters below have been requested.

- Domestic Use Only.
- Submission of a Construction Management Plan.
- Construction Hours limitation.

Informatives regarding the construction of minor developments and EV charging points have also been requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A condition regarding domestic use only, construction hours, and an informative regarding minor developments have been applied. The scale of the development is not sufficient to warrant the production of a construction management plan and the provision of EV charging points is not relevant or necessary in this case.

It is also noted that the reference to 9 No. garages made by WSCC Highways has since been reduced to 8 No. garages.

POLICY CONTEXT

Designation applicable to site:
Built-up Area Boundary.

DEVELOPMENT PLAN POLICIES

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

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees

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

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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, 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 Angmering Neighbourhood Plan policies have been taken in to 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 relevant Development Plan policies in that it is in keeping with the character of the locality. The proposal would also not give rise to significantly adverse impact on residential amenity or the highway.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site lies in the Built-up Area Boundary (BUAB) where development is acceptable provided it accords with other relevant policies of the development plan covering such issues as highway safety/parking, design/character, and residential amenity.

The NPPF seeks to promote the effective use of all land (para 119) and gives weight to proposals that develop under-utilised land (para. 120d).

DESIGN AND VISUAL AMENITY

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality.

Policy HD4 of the ANDP states that materials used should be harmonious with the immediate area, and policy HD5 requires new developments must properly demonstrate how they have considered the impact of the proposed built form on their surroundings.

The proposal is for a row of 8 No. garages that are 2.5m in width, 2.4m in height, and 5.56m in depth. These garages would feature a flat roof design, brickwork walls, and standard 'up and over' garage doors. The design and form of these garages would be in line with the existing two rows of garages that run alongside the vehicular accessway into this site.

The 8 No. garages would be sited against the East site boundary that abuts the rear gardens of Nos. 8 & 9 Brambletyne Close. Owing to their scale and siting, the garages would feature a minimum forecourt depth of ~5.77m with the predominant forecourt depth being greater than 6m.

Given the presence of 2 No. rows of garages of similar design within this site and that the design, scale, and siting of these garages are reflective of the existing character of the site, the proposal is in accordance with policies D SP1 & D DM1 of the ALP, policy HD4 of the ANDP, and Section J of the Arun Design Guide.

NEIGHBOURING RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land.

Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity or the natural environment.

In terms of overbearing and overshadowing, the dwellings of particular concern are Nos. 8 & 9 Brambletyne Close. The shared boundary between the site and these dwellings, is treated by a wooden fence that is approx. 2.1m from ground level. Owing to their orientation, Nos. 8 & 9 Brambletyne Close would have no direct viewpoints from openings toward the garages. Additionally, their rear amenity spaces boast a substantial footprint and possess adequate access to natural light. The proposed garages would sit approx. 0.3m higher and extend across most of the length of the boundary fence that serves the rear amenity spaces of these dwellings. Whilst they would extend along most of the length of these fences, cresting them by approx. 0.3m would not give rise to significantly adverse impacts by way of overbearing or overshadowing on these properties. There are no other properties which would be subject to any significant impacts of overbearing or overshadowing.

The proposed garages are to be conditioned for the storage of domestic vehicles, goods or items that are related to the use of a dwellinghouse only. The garages would not be allowed to be used for the storage of commercial vehicles, goods or items connected to the running of a business or for any other use under Use Class B8.

Historically, this site has been used as informal parking by local residents. The proposal has the potential to have some increase in activity on the site that will result in additional noise and disturbance. However, given the historical use of the site this will not be significantly greater than what was experienced in the past.

The proposal is in accordance with policy QE SP1 & D DM1 of the Arun Local Plan.

TRANSPORT AND PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

Policy TM1 of the ANDP requires development to demonstrate that adequate and satisfactory provision has been made to mitigate the impact of the traffic generated both during development and on completion.

The land in respect to this development was once used as informal parking that served the residents of the local area. This site is now privately owned, with the exception of the vehicular accessway that leads into this backland site. As the land is privately owned, the land in which the garages are to be built has been fenced off since November 2021, as noted within the planning statement, and remains unable to be used as informal parking by residents. This would have had some adverse impact on off-street parking within the locality, but this impact is not a result of this application.

As noted within the planning statement, the proposed 8 No. garages would likely be rented out to local residents for storage of domestic, residential goods/items. The specific storage of residential/domestic items will be ensured by way of condition attached to this decision. It is clear that it is intended for the garages to provide the option of vehicle storage, indicated by the tracking plan submitted alongside this application that demonstrates a car being able to manoeuvre in and out of the garages and site. The Highways Authority have confirmed this would be possible and have raised no concerns on this point. However, the internal dimensions of the garages do not conform to the required 3m by 6m internal dimensions for garages intended for parking set out within Section I of the Arun Design Guide and the Arun Parking Standards. Whilst contradictory to this standard, the intended use for the garages is for the storage of domestic/residential goods, and storage of smaller vehicles would still be achievable despite not complying with these standards.

The introduction of these garages would not significantly alter the intensity of traffic in and out of the site relative to its previous use as informal parking, nor its current use, given the primary intended use is for the storage of domestic goods, not necessarily vehicles. Whilst there have been concerns raised by residents regarding the displacement of parking to the street, this application would not give rise to additional displacement of vehicles as the land in question is privately owned, already fenced-off and it is clear that any current parking on this land is not desired by the owner and potentially unlawful. Therefore, the proposal would have no adverse impact on the existing parking situation.

Highway access in and out of the site would not alter. Whilst it is noted there is a small footpath into the site between one of the existing rows of garages, given there would be no significant increase in vehicular traffic to this site, it will not have a significant impact on pedestrian safety.

It is accepted there may be some impact on traffic during the development, but this is temporary and not sufficient to require warrant the requirement of a construction management plan. To address any potential impacts on neighbouring amenities during the construction phase, a condition restricting the construction hours of the development has been applied and an informative has been attached that provides guidance as to how small development should be undertaken to mitigate impacts on the

amenities of nearby residents.

The proposal is in accordance with Development Plan policies T SP1 of the ALP and TM1 of the ANDP.

TREES

Policy ENV DM4 of the Arun Local Plan requires consideration of trees adjacent to a development site.

There are 2 No. small trees within the rear garden of No. 8 Brambletyne Close. These trees are within close proximity to the East site boundary and appear to have main stem diameters of approx. 0.2m. This would indicate a RPA radius of roughly 2.4m, and so there is potential that some roots may extend underneath the proposed garages. They are not owned by the applicant and no arboricultural information was submitted in support of this application. Nevertheless, it has been confirmed by the agent that no excavations are to take place in service of this development and as such, no roots would be damaged during or after the development. Therefore, there would be no unacceptable adverse impact on these trees.

The proposal is in accordance with Policy ENV DM4 of the Arun Local Plan.

SUMMARY

The proposal is acceptable when applying the Local Plan policies (that are relevant and up to date) and in accordance with paragraph 11c of the NPPF, permission is recommended subject to conditions and informatives.

Following a reduction of garages from 9 to 8 No. this application has required a new round of advertisement. As such, the consultation period will not end until after this committee. The recommendation is therefore, that the committee give the Chairman and Group Head of Planning delegated authority to issue a decision once the consultation period ends.

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 not CIL Liable.

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 elevations & Sections WLD-023-22-04 REV_A.
- Proposed location and site plan WLD-023-22-02 REV_A.
- Floor plan and CIL sheet WLD-023-22-05 REV_A.

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 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 works on Sunday or Bank/Public Holidays. In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be used for the storage of domestic vehicles, domestic goods, and/or other items that are related to the use of a residential dwelling, and shall at no times be used for the storage of any commercial vehicles, goods or items or for any other commercial purpose, including any other purpose within B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order).

Reason: In order to protect the residential amenities of nearby residents in accordance with policy QE SP1 of the Arun Local Plan.

- 5 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', as available from:

<https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

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(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)

A/20/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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