

REF NO: A/71/23/PL
LOCATION: Land adjacent to Crete House
The Beeches
Dappers Lane Angmering
PROPOSAL: Erection of detached dwelling, together with access, car parking and landscaping.
This application is in CIL Zone 2 and is CIL liable as new dwelling.

This application was deferred to allow Members to undertake a site visit to further consider the application.

The site visit was undertaken on the 20th of June and was attended by 10 Members:

- Cllr Bicknell (as Ward Member)
- Cllr Bower
- Cllr Cooper (as Ward Member)
- Cllr Kelly
- Cllr Long
- Cllr Mcdougall
- Cllr Partridge
- Cllr Patel
- Cllr Wallsgrove
- Cllr Woodman

With the aid of the application plans Members carried out an internal inspection of the application site and surveyed its surroundings, including the adjacent development 'The Beeches'.

Members highlighted concerns of overbearing and overshadowing on neighbouring dwellings, the impact of the proposal on the character and appearance of the area, and issues of surface water flooding and foul sewage disposal.

REPORT UPDATE

Application No: A/71/23/PL

Reason for the Update / Changes

Reason for Update/Changes:

The Tree Officer was able to provide comments on this application after the report was written up. The Tree Officer initially had an objection to the proposal owed to the lack of extensive arboricultural information but noted if the application were to be approved that a pre-commencement condition should be attached to address his concerns. Following subsequent verbal correspondence with Tree Officer, the Tree Officer provided further comments that revoked his objection to the proposal provided that a pre-commencement condition for the submission and approval of a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), and that the fencing used for Construction Exclusions Zones (CEZ) are to the British Standard (BS5837:2012).

The Ecologist was also able to provide comments on this application after the report was written up. These comments noted they had No Objection to the proposal subject to securing biodiversity mitigation and enhancement measures. They requested 2 no. conditions, one requiring the provision of all mitigation and enhancement measures identified within the submitted Ecological Survey, and one requesting a submission of a strategy for the implementation of enhancement measures.

A section regarding the revisions that have been made during the applications lifetime was not included within this report. For clarity, the revisions made to this proposal during the applications lifetime include the removal of second floor rear windows in favour of a frosted rooflight, the siting of the dwelling 1.5m further away from the rear boundaries, amended red edge of the site and location plans, reduction in width of the highways access, addition of CEZ and annotation to note permeable/porous materials for hardstanding to North of dwelling, and amended the annotation regarding the ground floor level of the dwelling to accurately reflect the Flood Risk Assessments recommendation.

Officers Comments:

Following written and verbal correspondence with the Tree Officer, it is agreed that a pre-commencement condition requiring the submission and approval of an Arboricultural Method Statement (AMS), Tree Protection Plan (TPP), and details of the Construction Exclusions Zone (CEZ) fencing is necessary to protect trees during the construction process and has been attached to this decision.

Condition 4 is new to the decision and can be found on the attached amended replacement recommendation sheet.

Following consideration of the Ecologists comments, it is agreed that a condition requiring the provision of the biodiversity mitigation and enhancement measures identified within the Ecological Survey is necessary and has already been attached to this decision. The pre-commencement condition requiring the submission of a biodiversity enhancement strategy however, is not necessary as sufficient information regarding the enhancement measures proposed has been provided within the submitted Ecological Survey and these are already secured by the condition that requires these enhancement measures to be implemented.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO:	A/71/23/PL
LOCATION:	Land adjacent to Crete House The Beeches Dappers Lane Angmering BN16 4EN
PROPOSAL:	Erection of detached dwelling, together with access, car parking and landscaping. This application is in CIL Zone 2 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed 2.5 storey detached dwelling features 5 No. bedrooms and is approx. 15.6m in width and 15.6m in depth. It features a single storey projection to the North, but is predominantly a two storey structure that reaches 8.1m in height and has habitable accommodation within the roof space. This dwelling is to feature light grey weatherboard cladding and slate tiling.
SITE AREA	Approx. 760sqm.
RESIDENTIAL DEVELOPMENT DENSITY	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	1 no. TPO Oak Tree to the North of the site. A row of youthful trees in a hedgerow along the West, bordering the highway.
BOUNDARY TREATMENT	1.8m tall boundary fence along the North and East that borders the neighbouring dwellings. Mature approx. 6m tall hedgerow along the South side. A row of youthful trees and tall hedging along the West boundary.
SITE CHARACTERISTICS	The site is an irregular 'L' shaped plot and forms part of the rear amenity space of Crete House. Crete House is a two storey red-brick dwelling with clay tiles and features a substantial side and rear amenity space which previously formed part of the Crete Nurseries site. The site is a grassland area enclosed by natural boundary treatment and boundary fencing.
CHARACTER OF LOCALITY	Predominantly residential in a rural setting. The recently completed development to the north at The Beeches comprises 2 storey dwellings with pitched slate roofs and cement board clad elevations. There are 3 no. large 2-storey detached dwellings to the South which feature loft conversions and facing brickwork.

RELEVANT SITE HISTORY

A/216/22/PL	Extension of existing dwelling (Crete House) and erection of two detached dwellings on vacant plot to the south, together with new shared access, car parking and landscaping.(Resubmission of A/266/21/PL). This application is in CIL Zone 2 and is CIL liable as new dwellings.	Refused 18-11-22
A/266/21/PL	2 No. 2 storey extensions, replace existing bay window with bi-fold doors on the existing dwelling and the construction of 2 No. 5 bed new dwellings. This application is in CIL Zone 2 and is CIL liable as new dwellings.	Refused 28-03-22

This application has been submitted following two refused applications that sought to construct two detached dwellings on this plot. The reasons for refusal related to an inappropriate position, site coverage, height, number of units, relationship to existing dwellings, unacceptable overbearing and overlooking impacts of proposed occupiers, insufficient parking, and insufficient consideration of surface water flooding. This revised scheme has sought to address these concerns.

REPRESENTATIONS

Angmering Parish Council - Objection:

- Concerns that the scale and size is inappropriate for the plot.
- The proposal contradicts with the NPPF 'Not building in gardens'.
- Negative impacts on the natural environment, living conditions and safety of local residents.
- Concerns of road and pedestrian safety.
- Noting a lack of information regarding a tree protection and drainage details.
- Concerns the building is overdevelopment and taller than neighbouring dwellings.
- The proposal does not in accord with polices HD4 & HD5 of the Angmering Neighbourhood Development Plan (ANP).

34 no. objections:

- Noting the dwelling is an inappropriate scale.
- Concerns regarding impacts on the natural environment.
- Concerns of highway safety.
- Concerns regarding the TPO tree and vegetation of site.
- Concerns regarding air pollution.
- Concerns regarding drainage and flooding.
- Concerns regarding new sewer connections.
- Concerns of overlooking.
- Noting the design is out of character.
- Concerns as to where construction vehicles would park.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Whilst it is acknowledged that gardens in built-up areas are excluded from the definition of 'Previously Developed Land' in the NPPF, the site is, nevertheless, located within the Built Up Area Boundary where the principle of residential development is accepted, subject to compliance with the Development Plan. The requirement for a Construction Management Plan is not generally necessary or reasonable for a development of this limited scale. All other relevant planning comments are discussed within the conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways (LHA):

- Vehicle crossovers (VCO) under 4.5m or over 6.4m are generally not accepted at licensing stage.
- There is sufficient parking provision.
- Does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Conditions and informatives regarding access, parking, cycle storage and vehicle crossover licenses.

Drainage Engineers - Advice:

- The proposal is for a single dwelling rather than the two proposed on A/216/22/PL and A/266/21/PL.
- The single dwelling is outside of the Lidsey Treatment Catchment and is below the threshold to request surface water drainage conditions.
- Surface water drainage must be designed and constructed in accordance with Building Regulations.
- Please consult the LLFA regarding surface water and groundwater flood risk on the site.

Ecology Advisor - No response.

Tree Officer - No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Conditions regarding access and parking provision are not necessary as they are covered by the plans condition. A condition regarding cycle storage has been attached.

This application and does not meet the threshold for necessitating consultation with the Lead Local Flood Authority.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary (BUAB).

Tree Preservation Order (TPO) on site.

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
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

[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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

All relevant Angmering Neighbourhood Development Plan policies have been considered.

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 would not result in any significantly adverse impacts of neighbouring residential amenity and would not significantly harm the visual amenity or character of the 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,
- (a) 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

The proposal would contribute, albeit to a limited degree, to the housing stock in the District. It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is in 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 in the Built-Up Area Boundaries and will be permitted, subject to consideration of relevant policies of the in the Local Plan.

The key Development Plan policies considerations are D SP1 (Design), D DM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards), T SP1 (Transport and Development), ECC SP2 (Energy and Climate Change mitigation), QE SP1 (Quality of the environment), ENV DM4 (Protection of trees), ENV DM5 (Development and Biodiversity), and LAN DM1 (Protection of landscape character) of the Arun Local Plan together with HD4 (Materials), HD5 (Built form), HD6 (Housing Layout & Design), HD7 (Housing Density), and HD8 (Parking for New Developments) of the Angmering Neighbour Development Plan (ANP) are also relevant to this application.

Part P (Infill Development) of the Arun Design Guide is seeks 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 WSCC guidance on parking provision.

CHARACTER & DESIGN

The design of the dwelling does not conform to the predominantly rural character of Dappers Lane but it is reflective of the design of the dwellings in the development to the North (The Beeches). The dwelling would feature grey cladding and slate tiling, a tall front gable end, hipped and gable ended roof forms. These features are all reflected in The Beeches, and the dwelling would be sited in close proximity to these dwellings. The character of the dwelling would contrast other dwellings in the area that do have a more rural character, but The Beeches has established itself as a prominent development along Dappers Lane with its own distinct character and this dwelling would be appear as an extension of this development. The materials accord with Section L of the Arun Design Guide and policy HD4 of the ANP as they are not inharmonious with other dwellings in the vicinity.

Dwellings in the area are generally large and detached, set within substantial curtilages. This dwelling would have a footprint of approx. 162 sqm within an approx. 760 sqm plot that provides a substantial rear and front/side amenity space. This dwelling would be read as 2.5 storeys, owed to its habitable roof space, but would be lower in height than Woolven House to the South and of a comparable height to the other dwellings in The Beeches. Section J of the Arun Design Guide establishes that small variations in ridge height can add interest to the street scene. The dwelling remains of 2.5 storeys and is in character with the dwellings in The Beeches. The dwelling would have no additional adverse visual impact on the character of the area. It accord with policy HD5 of the ANP.

This is a low-density plot and is reflective of the density of detached dwellings in the area. To the West

side of Dappers Lane there is an extensive row of smaller detached bungalows that have much lower densities. The site would be read more as part of the East side of Dappers Lane and so benefits from being reflective of these dwellings.

There is a single storey component to the North of the dwelling that has a tall, hipped roof form. This results in a wider front elevation than most dwellings in the area. As this component is set back from the front elevation, features a roof that retracts from the front elevation, is predominantly obscured from view by the vegetation at the front and, furthermore, is set back by 13m from the road, the prominence of this component would be limited. The South and West boundaries benefit from mature, established hedgerows and trees. With the exception of the vehicular access through the West site boundary, this vegetation would be retained and would work to buffer the visual prominence of the dwelling in the street scene. The visual impact of this dwelling on the wider locality would be acceptable.

The dwelling is set back by approx. 13m from the street which is greater than the distance of No. 1 The Beeches from the street. This dwelling would be read as having a front building line comparable to that of No. 1 The Beeches. The dwellings to the South (Woolven House and beyond), are set back from the street by approx. 26m. It is evident that the siting of this dwelling would be further forward than that of these dwellings. Woolven House and The Laurels feature substantial detached 1/1.5 storey outbuildings to the front that are set back by approx. 10m from the street. These outbuildings partially disrupt what would otherwise be a significantly set back building line. To the South of the site is an access road that separates the dwellings by approx. 6.5m and acts as a visual break between the site and the neighbours to the South. With consideration of these factors and the screening to the front and side of the dwelling, the siting of the dwelling would not give rise to any unacceptably harmful visual impact on the street scene.

The Beeches has established itself as part of the character of the area. The design is not out of character with the local area in terms of scale, materials and architectural features or massing. The character of the dwelling would generally be contrary to the rural character of the area, but would not form part of the views in or out of the South Downs National Park (SDNP) to the North. The introduction of this dwelling would not have any additional adverse impact on the setting of the SDNP and would preserve its setting in accordance with policy LAN DM1.

Whilst the proposal would be set forward of the predominant front building line to the South and have a wide front elevation, the mitigating factors noted above reduce the harm of the dwelling's visual prominence to an acceptable level.

In terms of visual amenity, the proposed dwelling is acceptable and in accordance with policies D DM1 & D SP1 of the Arun Local Plan, and policies HD4, HD5, HD6 & HD7 of the ANP.

QUALITY & SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the Nationally Described Space Standards (NDSS).

The proposal is for a 5-bedroom 2.5 storey dwelling. The overall site area, gross internal floor space (GIA), and amenity space are adequate, with the GIA exceeding the minimum area set out in the NDSS. Each bedroom is of an appropriate width and internal floor area. The floor to ceiling heights are consistently or predominantly at a minimum of 2.3m, resulting in an overall 75% 2.3m floor to ceiling height per the NDSS.

The garden features a minimum depth of 12.5m from the rear wall to the East side site boundary. The

width of this garden area ranges from is approx. 12m, which is appropriate. There is external space to the North/North-West of the dwelling which appears as a functional amenity space. The external amenity space is of a sufficient depth and area to be considered a functional and usable private amenity space in accordance with Section H.04 of the Arun Design Guide.

The proposal accords with policy D DM2 of the ALP as it is compliant with the NDSS, and Section H.04 of the Arun Design Guide.

RESIDENTIAL AMENITY

Policy D DM1 requires that there be minimal impact to neighbours in terms of loss of privacy or outlook, or unacceptable disturbance. The dwelling is 2.5 storeys and backs onto the rear amenity spaces of Crete House, and Nos. 5 & 6 The Beeches. In splitting the plot of Crete House, the rear amenity space of Crete House would retain a depth of 11m which is greater than the recommended 10.5m minimum set out by Section H.04 of the Arun Design Guide. Crete House would retain a substantial side amenity space and so the amenity space of this property remains acceptable. Section H.04 of the Arun Design Guide gives guidance as to the minimum separation distances between properties including a back to front/side separation of 14m. The side of the dwelling would be separated from the rear of Crete House by 13m. Whilst this is lower than 14m, the relationship between the two elevations is indirect, limiting the harm this proximity would have on the amenity of its residents. The rear of the dwelling would have an indirect relationship to the side elevation of No. 5 The Beeches and remain separated by approx. 18m which is acceptable.

The siting of the dwelling would result in a minor intersection of the 45-degree sightlines from the front of Woolven House at first-floor level. This would occur at approx. 17m from the closest first-floor window and would not result in any significantly adverse impact by way of overbearing on this dwelling.

As a result of the siting and scale of the dwelling, there would be numerous new windows/openings at first and second-floor level that would lookout toward nearby dwellings and amenity spaces. The rear first-floor windows would be separated from the rear amenity spaces of No. 5 The Beeches by 12.5m. This is an acceptable separation distance per Section H.04 of the Arun Design Guide and whilst it is accepted there would be some overlooking impacts, this distance sufficiently mitigates the adverse impacts by way of overlooking in accordance with Section H.04 of the Arun Design Guide. The second floor rear rooflight is conditioned to be obscure glazed and fixed shut up to a height of 1.7m from finished floor level to prevent any views from second-floor level.

To the North elevation of the dwelling there are two new first-floor windows and one second floor rooflight. The first-floor windows serve a bathroom master bedroom. These two windows at first-floor are conditioned to be obscure glazed and fixed shut up to 1.7m from finished floor level owed to the close and direct views they would have of the private amenity space that serves Crete House, and that there would not be sufficient separation from the rear first-floor windows of Crete House. The second floor rooflight is noted on the plans as frosted at base and fixed shut, though it is noted the views from this window would not give rise to any significantly adverse impacts by way of overlooking on neighbouring properties due to the substantial separation distances and the mature tree to the North.

To the South elevation, there is 1 no. first-floor window that serves the landing and 1 no. second floor rooflight that serves a hobby/bedroom. Both of these windows would look out toward the front of Woolven House which is not private amenity space. The views from the first-floor window toward front windows of Woolven House are oblique but only separated by 12m and as such, this window is also to be conditioned to be obscure glazed and fixed shut up to 1.7m from finished floor level. Views from the second floor rooflight toward Woolven House would be oblique and would not have any significantly adverse impacts by way of overlooking.

The front facing windows would all look out to the street and the separation distances between these windows and the rear amenity spaces of dwellings along Beech View are such that there would not be any significant adverse impacts by way of overlooking on these properties.

Subject to conditions the dwelling would afford future and neighbouring occupiers with a suitable standard of amenity in compliance with Policy D DM1 & QE SP1 of the Arun Local Plan, and the Arun Design Guide.

ACCESS & PARKING

WSCC Highways confirm that the access and parking provision would not give rise to any unacceptable impact on highway safety. The proposal includes the provision of cycle storage which is to be secured by way of condition on this decision.

Off road parking is provided for by four parking spaces, which is appropriate and accords with the Arun Parking Standards Supplementary Planning Document and policy T SP1 of the Arun Local Plan.

Policy T SP1 of the Arun Local Plan requires the incorporation of facilities for charging electric and plug-in hybrid vehicles. This is shown on the plans and is to be secured by way of condition.

The proposal is in accordance with policies T SP1 of the ALP and policy HD8 of the ANP.

FLOOD RISK

The site is in Flood Zone 1 but is in an area that is prone to groundwater flooding (low risk). This requires the submission of a Flood Risk Assessment (FRA). Due to the scale of the development, a consultation with the Lead Local Flooding Authority is not required. The FRA shows appropriate consideration of flood risk and includes mitigation measures that are to be expected. Subject to a condition requiring the development to be constructed in accordance with the FRA the proposal accords with policy W DM2 of the ALP.

TREES & ECOLOGY

There is a protected Oak tree to the North of the site with a Root Protection Area (RPA) that extends into the North of the site. The Tree Officer was consulted on this application but no response has been received.

From review of the proposed site plan, the tree survey submitted within the previous application (Dated: September 2022), and cross referencing with an assessment of the Oak tree undertaken by the Local Planning Authorities Tree Officer (Dated: January 2021), it is clear that a the tree would have a Root Protection Radius of less than 10m. The ecological survey corroborates this and suggests the use of a 10m construction exclusion zone around the Oak, which has been conditioned to be provided in accordance with the plans in the ecological survey prior to the commencement of the development.

A small hardstanding is proposed to the North of the dwelling which will have a minor intersection of this Root Protection Area (RPA). The intersection of this RPA is minor, and foundations for a hardstanding do not require substantial excavation. This would, therefore, not likely have any significantly harmful impact on the Oak. There is to be an approx. 4 sqm section of ground lowering that would intersect this RPA. This is required to ensure there is adequate consideration of flood risk on the site. This too would not have any significantly harmful impact on the RPA. The hardstanding and section of ground lowering are exceptions to the Construction Exclusion Zone, and a condition has been attached to ensure this area of

hardstanding is to be of porous or permeable materials, to allow surrounding roots to retain access to percolating water. A condition has been attached to ensure that any digging necessary within the Construction Exclusion Zones will be undertaken with hand tools only. Adequate consideration and protection of the TPO tree have been ensured in accordance with policy ENV DM4 of the Arun Local Plan

Policy ENV DM5 requires development seeks to achieve a net gain in biodiversity and protect habitats on site. Planting is proposed to the rear of the site and there would be substantial retention of the trees and hedging surrounding the site perimeter. There would be the removal of grass to the footprint of the dwelling and the removal of part of the hedgerow and trees to the West side of the site to enable vehicular access.

The introduction of additional elements to contribute to net gain of biodiversity would be necessary to demonstrate that the application would achieve and biodiversity net gain. The applicant submitted an extensive ecological survey, identifying that there is little to no harm nor risk of harm to species on site. It has recommended the use of Construction Exclusion Zones to protect hedgerows and the TPO Oak, and suggested mitigation measures during construction and suitable biological enhancements to achieve biodiversity net gain on site. The Ecologist has been consulted but has not been able to respond. The mitigation measures and enhancements are appropriate and are to be secured by way of condition that is attached to this decision.

Subject to conditions the proposal accords with policies QE SP1, ENV DM4 & ENV DM5 of the Arun Local Plan and policy HD6 of the ANP.

ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected and there are solar panels proposed along the South roof slope.

To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision requiring details of such systems to be provided.

Subject to conditions the proposal accords with relevant policy ECC SP2 of the Arun Local Plan.

SUMMARY

For the reasons outlined above, the proposal is in accordance with the relevant Development Plan policies and 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 (dependent 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 & documents:

- Site Plans Proposed (Dwg No. 21182-02 E).
- Proposed Dwelling (Dwg No. 21182-003 C).
- Flood Risk Assessment (Dated: May 2023).

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 a schedule of materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing 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 character and appearance by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), Tree Protection Plan (TPP), and details of the fencing for the Construction Exclusion Zone (CEZ) around the TPO tree to the North shall be submitted to and approved in writing by the Local Planning Authority. The CEZ fencing around the TPO tree to the North

should be to the British Standard (BS5837:2012). The development shall, thereafter, be undertaken in accordance with the provisions of the approved AMS, TPP, and CEZ fencing details.

Reason: To comply with BS5837:2012 and ensure the retention and protection of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 & ENV DM4 of the Arun Local Plan. This condition is required to be a pre-commencement as it goes to the heart of the application.

- 5 The first-floor window to the South elevation, 2 no. first-floor windows to the North elevation, and second-floor rooflight to the East elevation of the building, shall at all times be glazed with obscured glass and fixed to be permanently non-opening to a minimum height of 1.7m from the finished floor level of the rooms that they serve. These openings shall remain as such in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 6 Prior to occupation of the dwelling the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 7 No part of the development shall be first occupied until details of covered and secure cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision so approved shall be retained thereafter.

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

- 8 Ecological impact mitigation and enhancement measures must be implemented in accordance with the provided Ecological Survey (Dated: 05/05/23).

Reason: To ensure adequate protection of protected species throughout and following the development process in accordance with Policy ENV DM5 of the Arun Local Plan.

- 9 Prior to the commencement of the development, Construction Exclusion Zones will be erected and adhered throughout the development of the dwelling in accordance with the site plan on page 33 of the submitted Ecological Survey (Dated: 05/05/23). Works necessary for the section of hardstanding to the North of the dwelling and the section of land lowering illustrated in the submitted Flood Risk Assessment that intersect these Construction Exclusion Zones are exceptions to these Construction Exclusion Zones.

Reason: To ensure adequate protection of trees in accordance with Policy ENV DM4 of the Arun Local Plan.

- 10 Any digging necessary within Construction Exclusion Zones will be undertaken with hand tools, with no use of powered machinery.

Reason: To ensure adequate protection of trees in accordance with Policy ENV DM4 of the Arun Local Plan.

- 11 The area of hardstanding to the North of the dwelling shall be constructed of porous and/or permeable materials.

Reason: To aid in ensuring adequate protection of trees in accordance with Policy ENV DM4 of the Arun Local Plan.

- 12 The dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun.

- 13 Notwithstanding the provisions of Part 1 of Schedule 2 Class B of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations to the roof (including dormers) of the dwellinghouse shall be constructed 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 of the development in accordance with policy D DM1 of the Arun Local Plan.

- 14 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.

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/71/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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