

PLANNING APPLICATION REPORT

REF NO: AB/48/21/PL

LOCATION: Land adjacent to Woods Way House
3 Torton Hill Road
Arundel
BN18 9HF

PROPOSAL: Construction of 1 No. three bedroom dwelling & associated works. This site is in CIL Zone 2 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	A two storey 3 bed detached dwelling is proposed. The same proposal was approved by AB/17/18/PL. This application seeks to renew the previously granted permission.
SITE AREA	0.33ha
TOPOGRAPHY	The site is on a slope. The land rises from the north east to the south west.
TREES	None of any significance affected by development.
BOUNDARY TREATMENT	Brick retaining wall with timber fence above to the north-east, timber fence to south-east boundary, hedge to north-west boundary.
SITE CHARACTERISTICS	The site forms part of garden space for the property at 3 Torton Hill Road. It is rectangular in shape and mainly laid to lawn and planted with shrubs/trees.
CHARACTER OF LOCALITY	Predominantly residential with detached two storey dwellings of varying designs on medium/large plots set back from the road. Torton Hill Road is a tree lined avenue which rises up to the south west just south of the A27 roundabout leading to Arundel town centre.

RELEVANT SITE HISTORY

AB/17/18/PL	Construction of 1 No. three bedroom dwelling on land adjacent to 3 Torton Hill Road Arundel and associated works	ApproveConditionally 13-06-18
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REPRESENTATIONS

Arundel Town Council - objection.
- Overdevelopment and the street scene is not in keeping.

No letters of representation received from the adjoining neighbours.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health: No objection - request conditions regarding working hours and acoustic assessment.

WSSC Highways: No objection. Request conditions regarding car parking layout to be submitted.

Natural England: No comment to make on the applicaiton.

Parks & Landscape: No objection, subject to submission of landscape details to provide ornamental and native improvements and biodiversity gain. Tree protection methods should be confirmed.

Engineer (Drainage): A holding objection. It is unclear if there is enough space to support infiltration features (5m from buildings and highway, 2.5m from property boundaries). Having insufficient space is an unacceptable excuse for not following the hierarchy, particularly as there is no surface water sewer in the vicinity of the site and we oppose all connections of surface water to the foul sewer.

If the applicant has evidence that infiltration will not be viable on site this should be supplied and a basic attenuation design with an appropriate outfall location should be supplied. If minded to approve apply standard ground monitoring conditions.

Southern Water- Requires a formal connection to be made to the sewer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The acoustic assessment is not necessary with the proposal being an infill dwelling located within a built up area. Noise from the road is considered similar to that experienced by neighbouring dwellings and acceptable. The surface water drainage condition has been agreed and included.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
DDM2	D DM2 Internal space standards
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY1:	The Presumption in Favour of Sustainable Development

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 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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary defined by policy SD SP2 of the Arun Local Plan (ALP). Whilst the area is suitable for residential development in principle, being in the built up area boundary, such development should comply with the policies in the development plan. The key policies are D SP1, D DM1, D DM2, T SP1 and W DM2 of the Arun Local Plan and Policy 1 and 2 of the Arundel Neighbourhood Plan.

The proposal results in the net increase in 1 dwelling, which contributes towards housing supply, in accordance with policy H SP1 of the ALP.

This application seeks renewal of AB/17/18/PL. Arundel Town Council raised no objections at the time this application was determined.

DESIGN AND VISUAL AMENITY

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving upon 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 127 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 construct a detached two storey dwelling which infills vacant garden space to the east of 3 Torton Hill Road.

The property incorporates a hipped roof garage and first floor projecting gable to the front. These features are present at neighbouring properties and the design and appearance respects the character of the street scene and appears in keeping with neighbouring development. It will have a width of 7.5m and 12.5m depth, which is a similar footprint to development that has previously been approved and comparable to dwellings in the locality.

The principle elevation will not extend beyond the established development line and does not appear unduly dominant but as a sympathetic addition in the street scene, with approximately 9.5m retained to the front boundary and 1m retained to both side boundaries. The detached form maintains the character and form of dwelling in the immediate area.

Materials consist of multi facing brick, contrasting brick quoins vertical tile hanging and plain tiles with bonnet tiles to hips. These are acceptable and integrate with the street scene.

The Arun Design Guide is a supplementary document adopted in 2021. Part P refers to infill development and requires any scheme to accord with the following criteria;

- The development should be in harmony with the prevailing character, building pattern and architectural style of the area
- That it is developed in a site that is large enough to accommodate proposed uses and vehicular access, parking and turning, while retaining gardens and open spaces of an adequate size.
- Provides a cohesive and unified response to the existing scale, form, massing and design details of surrounding development.
- Ensures that any deviations from the prevailing character of the area form a high quality design response which complements its surroundings and is appropriate to the scheme's location in the existing street hierarchy.
- Avoids tandem developments as a matter of principle.

The development respects the established pattern of building height, scale and plot size and accords with the Design Guide.

The proposal does not lead to overdevelopment or over-intensification of the site as the development comfortably sits in the plot and provides a valuable opportunity to increase the efficiency of land use to provide a new dwelling. The proposal retains the character of the street scene, with the size of the plot and design and appearance of the dwelling, comparative to that of others elsewhere in the immediate locality and accords with D DM1 of the Arun Local Plan, Part P of the Arun Design Guide and Policy 1 and 2 of the Arundel Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance."

The rear building line of the dwelling will not extend beyond neighbouring properties and will not result in adverse overbearing with acceptable separation retained. The distance between the side elevations to Seldon House to the east and 3 Torton Hill Road to the west will be 2.5m and 4.85m respectively.

There is a conservatory to the rear of Seldon House, however the dwelling does not extend beyond this and due to the separation and with vegetation along the boundary, the dwelling is not deemed to result in adverse harm by way of overlooking or overshadowing.

There will be 2 first floor windows to the rear of the dwelling with the window to the east side featuring a juliet balcony. Due to its siting of the property, this will not result in adverse views on neighbouring amenity. There will be first floor windows to both side elevations. These serve bathrooms however will be conditioned to remain obscured glazed to ensure no adverse overlooking. There will be bifold doors to the ground floor however views are not considered additional to that which can already be achieved from the garden. Windows to the front overlook the street scene.

The proposal would not give rise to adverse overlooking, overshadowing or overbearing and as such the impact on the residential amenity of neighbouring properties would be acceptable and accords with policy D DM1 of the Arun Local Plan.

SPACES STANDARDS

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

The dwelling would have an internal floor space of 116sqm. The nationally described space standards for a 3 bed 2 storey dwelling is 96sqm therefore the floor area is above the standards.

Arun District Council has no size standards in respect of private gardens although section H.04 of the 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.

Regard should be had to para 127 of the NPPF which states "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users".

482sqm external amenity space is provided and this is acceptable exceeding the guidance. The rear garden has a depth of 6.3m and is smaller than is recommended. Whilst this does not comply with the guidance the external amenity space provided is comparable to that of neighbouring gardens and deemed adequate in size and acceptable. There is a cemetery to the rear of property which supports the rear garden being of a smaller size as there are no properties directly behind. There is also a sizeable front garden.

Due to the garden size a permitted development restriction will be included to ensure extensions can be assessed by the LPA.

PARKING

Arun Local Plan Policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

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."

WSCC Highways have not objected. ADC Parking Standards for a 3 bed property in this location (Parking Behaviour Zone 1) requires an expected level of 2 car parking spaces on site. The garage is to form 1 parking space. The guide states the garage should measure at least 6m x 3m internally. The garage has approximate internal dimensions of 3m x 5.5m and falls slightly short of the requirements and therefore does not form a parking space.

The width of driveway measures approximately 4.2m and the distance from the garage to the front boundary is 9m. Therefore, space is available to the front of the garage, providing room for additional parking which can meet requirements. Whilst the size of the internal garage is smaller than required, it is considered the number of spaces required is achievable on site and it will not result in harm on the highway.

In terms of bicycle storage, the applicant demonstrated cycle storage to the rear of the plot. The inclusion of secure/covered cycle parking helps promote the use of sustainable transport methods.

Planning conditions have been included to secure cycle storage and electric charging points for the vehicles. The proposal complies with policy TSP1 of the Arun Local Plan.

BIODIVERSITY GAIN

Arun Local Plan policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

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

The details provided do not include any measures for biodiversity net gain. The Council's greenspace officer confirmed no objection to the proposal subject to conditions for landscaping provision. This

should include a detailed planting plan and specification detailing species choice, actual plant quantities, planting densities and size at time of planting. Planting of trees specified should be at a size which allows instant impact, but which will establish and mature as the site develops.

All proposed planting should be considered and its connection for biodiversity and habitat explored.

The site does not fall in the Arun Valley SPA which is an area within foraging distance of Beswick Swans. However, it does fall within 2k buffer of Arundel Park SSSI. Due to its distance from the site, and with the plot forming an infill development within existing built up area, the development is not considered to result in harm upon protected areas or species. Natural England also have no comment to make with regards to the impact.

A condition will be included to ensure details of landscaping and net gain will be provided on site.

CONCLUSION

The proposal complies with relevant development plan policies and the dwelling is considered to be in keeping with the character of the immediate area and will not have unacceptable impact on the residential amenity of neighbouring residents. Permission 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 for 116sqm payment of £17,347.90.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Location plan and Block plan;001.01
- Proposed site plan: 02.01
- Proposed roof plan, floor plans & sections: 02.02
- Proposed elevations: 02.03
- Proposed street view: 02.04
- Design and Access Statement

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DD M4 of the Arun Local Plan.

- 3 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme for biodiversity net gain. The approved scheme shall be complete within two months of the occupation of the dwelling.

Reason: In the interests of amenity and of the environment of the development in accordance with policy ENV DM5 of the Arun Local Plan

- 5 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.

6 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy T SP1 of the Arun Local Plan

7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans Location/Block Plan 02.01.

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

8 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 in 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.

9 The windows on the side elevations of the building at first floor level shall be glazed with obscured glass and fixed to be permanently non-opening below 1.7m.

Reason: To protect the amenities/privacy of the adjoining property in accordance with policies D DM4 of the Arun Local Plan.

10 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed 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 by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

11 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The electric vehicle provision shall be retained in perpetuity.

Reason: To provide sustainable travel options in accordance with current sustainable transport policy TSP1 of the Arun Local Plan.

12 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data

to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

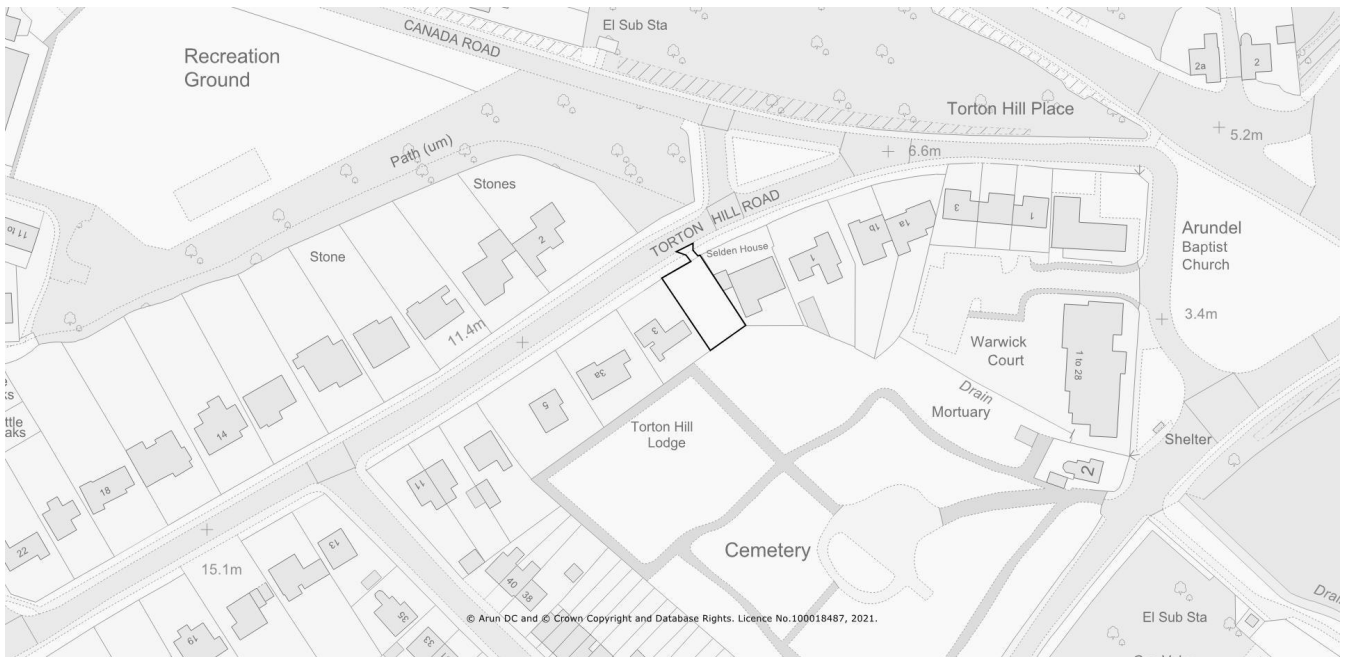
Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

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

AB/48/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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