

Recommendation Report for Planning Permission

REF NO:	AB/36/18/PL
LOCATION:	Blastreat Limited & adj Greenhurst Fitzalan Road Arundel BN18 9JS
PROPOSAL:	Demolition of existing buildings & erection of a block of 46 No. sheltered apartments for the elderly (comprising 22 x one bedroom apartments & 24 x two bedroom apartments age restricted to 60 years and over), with associated access electric buggy/cycle stores & refuse bin store & 32 No. parking spaces. Resubmission of AB/77/17/PL. This application affects the character and appearance of Arundel Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the demolition of the existing dwelling and industrial buildings and the erection of a block of 46 sheltered apartments for the elderly comprising 22 x one bedroom flats and 24 x 2 bedroom sheltered apartments with associated access, electric buggy/cycle store, refuse bin store & 32 parking spaces.
SITE AREA	0.36 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	127 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	Several trees will be affected by the proposed development in the case of the existing detached dwelling.
BOUNDARY TREATMENT	The boundary of the site adjacent to Fitzalan Road consists of a mixture of close boarded fencing, flint walling and chain link fencing. The existing industrial building abuts Fitzalan Road along the eastern boundary of the site with the rear and side boundaries of the site consisting of a close boarded fencing, walling and mature planting.
SITE CHARACTERISTICS	The site consists of two planning units. The western most portion of the site is occupied by a two storey detached dwelling with brick elevations and a tiled roof. The remainder of the site is occupied by Blastreat, an industrial and architectural blast cleaning company. The industrial portion of the site features a number of industrial buildings of various designs and styles. Most notable amongst these is the late 19th Century structure located along the eastern boundary of the site which formed part of the now demolished Swallow Brewery complex.
CHARACTER OF LOCALITY	The area is part of a residential street located within Arundel

and situated adjacent to the Conservation Area. The character of the street is mixed comprising of detached, semi-detached and terraced properties of 1 and 2 storeys set in small plots set back from the highway with gardens to rear. The locality also features two separate developments of three and four storeys in close proximity to the application site.

RELEVANT SITE HISTORY

AB/77/17/PL	Demolition of existing dwelling & buildings. Erection of a block of 45 sheltered apartments for the elderly (comprising 21 x one bedroom apartments and 24 x two bedroom apartments age restricted to 60 years and over); with associated access, electric buggy/cycle store, refuse bin store & 34 parking spaces. This application affects the setting of a Listed Building & the character & appearance of the Arundel Conservation Area.	Withdrawn 04-01-18
AB/167/15/PL	Demolition of the existing property 'Greenhurst' erection of seven two storey, two bed dwellings with associated vehicular access, parking & landscaping - Resubmission of AB/47/15/PL	Withdrawn 27-09-16
AB/47/15/PL	Demolition of the existing property & erection of 7 No. two storey, two bed dwellings with associated vehicular access, parking & landscaping.	Withdrawn 19-06-15

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Arundel Town Council

Arundel Town Council

Objection

- The development is contrary to the provisions of the Development Plan, namely, Policy 5 of the Arundel Neighbourhood Plan which has identified the site for a development of approximately 24 dwellings comprising a mix of dwellings including affordable housing. Given the adopted status of the Arun Local Plan 2011-2031, the Council's adopted Neighbourhood Plan must be given full weight and the development should be determined in accordance with its provisions.

- The Council strongly endorses the professional views of the Conservation Area Advisory Committee that the building lacks adequate design quality and that the existing brewery buildings and the flint wall surrounding Greenhurst should be retained as heritage assets.

- The site adjoins a nationally important conservation area and, by reason of its unsympathetic design,

scale, massing and height it would harmfully detract from the exceptional architecture of the historic core of Arundel and its setting.

- Due to its overwhelming size, height and bulk it would result in a loss of sunlight; daylight and appear visually oppressive in neighbouring views from immediate properties adjoining and near to the site.
- Due to the number of units proposed and the poor internal layout of the development, it fails to provide for a level of accommodation that can provide natural light to all useable rooms.
- As the development continues to propose charging residents for on-site car parking facilities, the Council objects on the grounds that it would indirectly result in a demand for on street parking in an area.
- The lack of an adequate bellmouth radii for turning vehicles to clear the footpath at the access point. The absence of adequate turning facilities that would enable large vehicles to exit in forward gear.
- There are serious surface water and foul drainage problems in the vicinity of the site. The development would unacceptably exacerbate the severe surface water and foul drainage problems.
- The development fails to provide any form of affordable housing for Arundel (to comply with the provisions of the adopted Arundel Neighbourhood Plan) or, alternatively, to accord with the District Council's Housing Strategy.
- There is no need for any further accommodation for the elderly in Arundel.
- The existing building on the site contributes significantly to the setting of the Conservation Area as borne out by the former District Council's Conservation Officer; the Conservation Area Advisory Committee and English Heritage, all of whom, consider it to be a building of local interest and worthy of local listing.
- The development would cause considerable harm to the appearance of the street scene along Fitzalan Road as it comprises a bulky uncompromising three storey continuous mass of building that would extend along almost the full extent of, and be set in proximity to, the narrow road frontage of the site where it would dominate and tower above other more discreet and domestic sized buildings that extend further along Fitzalan Road.
- The physical amount of development proposed and the degree of hardstanding required to provide associated parking and turning areas results in a cramped form of development where only very limited amounts of soft landscaping can be provided.
- The poorly designed development would be prominently located in the forefront and against the backcloth of, the ancient, historic town of Arundel where it would dominate and appear incongruous in views from the bypass and footpaths and detract from the views of the townscape of Arundel, its castle, cathedral and its special setting contrary to Policy LAN DM2 of the Arun Local Plan 2011-2031

181 Objections (including a petition of 47 signatures)

- It does not comply with the Arundel Neighbourhood Plan.
- The design, mass and height of the proposed building is not appropriate for Arundel or its Conservation Area.
- There is no need for more accommodation for the elderly in Arundel. There are already 3 "retirement homes", with several vacancies in each.
- A new building should be for young families.
- A building of this height would block light from some flats in Martlets Court and properties in Fitzalan Road.
- Fitzalan Road is narrow and already overcrowded with cars.
- The old Swallow Brewery building is a heritage asset which should be protected from demolition.
- A massive overbearing building would conflict with the principles of the Conservation Area and destroy the amenity of Fitzalan Road.
- Southern Water have warned of a serious risk of flooding.
- Detrimental impact on neighbours who will be overshadowed by a 40 foot ridge height.
- Light and Noise Pollution.
- Insufficient and poor access.
- The area has poor sewage and toilets/sewers frequently back up when the river is high and there is a high water table because of rainwater. The current sewage system will not be able to cope with the

density of dwelling this scheme proposes.

- The town does not need further retirement developments and already has four large developments within a 100 yd radius of this site.
- Contrary to the Arundel Neighbourhood Plan (which requires 24 units on the site with 30% affordable housing;
- Of volume and scale quite unsuited to a historic town.
- Conservation block already blighted by similar, over provision of blocks for the elderly nearby. Has nothing been learnt from these recent planning errors?
- Impediment of views out of the conservation area/heart of the town to existing pasture land.
- Ghettoisation of elderly in one corner in a very small town.
- Over provision of housing for elderly when starter homes and live/work homes for younger families hardly exist.
- No merit to the design.
- Demolition of Old Swallow Brewery Buildings, part of the historic fabric of the town not otherwise represented.
- The owners certificate, plans and supporting information are inaccurate and misleading making the application invalid.
- At present there are 5 retirement blocks of flats here in which there vacant flats.
- What Arundel needs is homes for younger people and the site would be best for 24 cottages with gardens and parking and 30% should provide low cost housing for rent.
- Destruction of protected views into and out of the conservation area and from listed buildings in the old town and damage to the setting of Heritage Assets protected by NPPF;
- Light and noise pollution from dozens of windows, doors and balconies overlooking neighbours, noisy traffic manoeuvring and noisy bin collections in breach of NPPF (July 2018);
- Lack of parking, with only 32 car parking spaces proposed for some 46 units that could house circa 100 people; the elderly residents will require carers/staff and deliveries. Around 6 existing on street spaces will also be lost and this loss of existing spaces have not been included in the developers calculations;
- The application fails to demonstrate a high quality of design and use of materials as demanded by the new NPPF. The lack of design quality must be looked at in the context of the "setting" of Arundel castle, cathedral, town scape and conservation area. Case law shows that if the application site can be seen from the heritage asset, it can affect its setting.
- Impact on trees is not clear.

COMMENTS ON REPRESENTATIONS RECEIVED:

The errors in the application as originally submitted have been addressed to the satisfaction of the Local Planning Authority and it is considered that the accuracy of the plans is sufficient to allow determination. Legal advice concerning complaints about accuracy of plans and ownership certifications have been subject to legal advice which has confirmed that application can be forwarded to determination as it stands.

Acceptable drainage of the site could be achieved by the imposition of appropriate conditions. There are no policy objections to the provision of more housing for the elderly. The only reasons for refusal which can be considered in relation to dwelling type/occupation is the identification of the site in the Neighbourhood Plan for 24 dwellings under policy 5 and the lack of housing mix referred to in policy H DM1 of the Local Plan.

Provided a Method Statement is conditioned with regard to any trees on the site any resultant unforeseen impacts on trees could be adequately controlled.

The other comments made in the representations are addressed below in the conclusions section of the report.

CONSULTATIONS

WSCC Strategic Planning
 Environment Agency
 Surface Water Drainage Team
 Conservation Officer
 Environmental Health
 Parks and Landscapes
 Arboriculturist
 Southern Water Planning
 Economic Regeneration
 Planning and Housing Strategy
 Sussex Police-Community Safety
 Engineering Services Manager
 Engineers (Drainage)
 Archaeology Advisor
 Ecology Advisor
 NHS Coastal West Sussex CCG
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Tree Officer - No Objection

The arboricultural survey information and associated documents/plans provided demonstrate adequate regard and respect for the tree population at and immediately around the site.

There is no currently planned RPA incursion for any significant on/off-site trees or need to install positive tree protection measures.

Southern Water - No Objection. Request imposition of Informatives and Conditions.

Sussex Police - No Objection. Some design improvements are suggested.

County Highways - Objection. Following review of latest information provided by the applicant, the County Highway Authority considers that suitable access to-and-from the site has not been adequately demonstrated for users of the development including that for fire and rescue purposes.

County Planning - Contributions are required for libraries and fire and rescue totalling £15,031

Greenspace - No Objection

As this is a proposal for a development of sheltered apartments for the elderly there would be no requirement for play or play area contribution. However greening to soften the development is required on a development of any kind. The areas need to be attractive, accessible and appropriately designed.

The plans have provided a scheme which is varied, detailed and appropriate for its location. They incorporate blocks of planting and specimen plants with the inclusion of a central courtyard area which would allow the residents to dwell in such areas. The inclusion of specimen shrubs and larger trees will give a certain degree of screening which is still largely quite a hard development with limited outdoor

space. A communal patio area will be particularly important for residents who may potentially be confined to these areas, the stimulation of what's outside would appear to be limited with the main element laid to car parking, which due to the confines of the plot boundary is somewhat unfortunate. Good quality outdoor space is beneficial to wellbeing and the importance of such should not be underestimated. It is appreciated that the nature of the site at present, and the lack of greening which it presently offers would lend to a situation where development could prove beneficial. It would however appear functional on completion as presently planned rather than aesthetically enhancing the green landscape offer.

Archaeology - No Objection

In the circumstances it seems unlikely that the proposal would adversely affect any known archaeological interest to the extent that refusal or the requirement of any other mitigation measures would be warranted.

Environment Agency - No Objection

Condition requested relating to development taking place in accordance with the submitted Flood Risk Assessment

Environmental Health - No Objection

Conditions requested relating to noise mitigation, construction management, hours of operation, lighting, electrical charging points

Ecology Officer - No Objection

Informatives and enhancements requested

District Engineers - No Objection. Please impose standard conditions

County Engineers - No Objection

Housing Strategy - Objection.

The applicants have failed to provide a scheme which meets the requirements of the Council's Affordable Housing policy. A viability appraisal has been submitted by the applicants which is currently being reviewed by the Council's independent advisors, their report will be considered within the context of the requirements of the Council's Affordable Housing policy.

To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a) 30% (14 units) of affordable housing on-site as part of the development with the tenure to be agreed with the council;
- b) Provide 14 units for affordable housing elsewhere in the district as part of a bespoke application;
- c) Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £1,120,000 (14 x £80,000) on commencement of the development in lieu of providing on-site affordable housing

Council's Viability Consultant - Overall we do not necessarily agree with the approach taken in arriving at the assumed GDV of the proposed scheme.

It should be noted that this is an indicative figure. As we have not been provided with a functioning electronic version of the applicant's appraisal, we have not been able to carry out any sensitivity testing on the same basis and the figures discussed in this report are therefore very much estimates. It would appear though that the proposed affordable housing offer of +£276,417 does not represent the optimum capacity of the site to support affordable housing.

Conservation Area Advisory Committee - Objection

- Overdevelopment
- Lacks adequate design quality

- Far too bulky, much more sensitive approach to form and massing is required
- Existing brewery buildings should be retained as heritage assets
- Scheme compromises suburban character of the south west of Fitzalan Road
- Scheme adversely affects the setting of and the approach to the Conservation Area.

Conservation Officer - Objection

Whilst the site is located within the historic town of Arundel, it lies just outside of the conservation area (which was designated in 1975). Development in this location therefore has the potential to affect its setting.

The existing Building/assets - There are a number of assets in close proximity to the development site. However, the site itself must also be considered. Whilst the application site has developed over time, as indicated by the variety in age and style of the structures present, one particular building is noted, and has been considered suitable to meet the definition of a heritage asset. In this case a non-designated heritage asset.

The eastern frontage of the (Blastreat) building is an interesting survival of the demolished Swallow Brewery. Although the late 19th century structure does not merit formal Listing, Historic England confirms that it has 'clear local historic interest, as a link to a once major industry and ties to a prominent local family'. So while not formally designated, the frontage building is nevertheless a heritage asset and it makes a strong contribution to townscape character. The Planning Practice Guidance identifies that a non-designated heritage asset should be identified when considering development proposals, such as this one. Further, the building is of local historic interest and it has been considered to comply with the Council's criteria for Local Listing.

In this case, the harm to the significance of the heritage asset is absolute, as the proposal results in its total demolition. Industrial buildings such as this once typified the riverside area and their continual loss diminishes the locally distinctive qualities of the wider townscape.

The other buildings proposed for demolition are of no architectural or historic interest and there is no objection to their loss. However, it is considered from a purely conservation perspective that the eastern frontage building could be rehabilitated and adapted to a sustainable alternative use, with adjacent new development designed to respect and complement it.

In order to ensure that the redevelopment of the site is fully considered, an Article 4 Direction has been confirmed on the eastern part of the building. This removed the permitted development right related to demolition, which requires the property owner or developer to apply for planning permission to demolish.

The proposed replacement building - The Design and Access Statement suggests that it would be more appropriate for the design of the proposed building on the north east part of the site, adjacent to the Conservation Area to reflect the utilitarian style and appearance of Victorian brewery architecture (to be demolished) as this would provide a visual reference and association to the former Swallow Brewery that had once occupied the land between Queen Street and that part of Fitzalan Road.

It is noted that the north east block has been designed to reflect a more utilitarian, style of architecture reflective of brewery architecture/design features. Such an approach attempts to respect the setting of the conservation area. However, it is still considered unfortunate that the existing building could not be incorporated into the final scheme. As identified, the building has been altered internally, which provides significant potential for alteration, whilst maintaining and street frontage. This retained element would then provide a starting point for the remainder of the proposed scheme.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Flood Zones 2 & 3

Adjacent to a Conservation Area

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HDM1	H DM1 Housing mix
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM2	LAN DM2 The Setting of Arundel
AHSP2	AH SP2 Affordable Housing
TSP1	T SP1 Transport and Development

[Arundel Neighbourhood Plan 2014 POLICY1:](#) The Presumption in Favour of Sustainable Development

Arundel Neighbourhood Plan 2014 POLICY 2: A Spatial Plan for the Town

Arundel Neighbourhood Plan 2014 POLICY 3: Housing Supply

Arundel Neighbourhood Plan 2014 POLICY 4: Housing Site Allocations

Arundel Neighbourhood Plan 2014 POLICY 5: Land at Fitzalan Road

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

ADS	The Arundel Design Statement by Arundel Town Council
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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 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Arundel has a made Neighbourhood Development Plan (ANP) and the relevant policies within it have been taken into account.

Arundel Parish Council is reviewing their Neighbourhood Development Plan(NDP) and has publicised their NDP for pre submission Reg.14. This pre submission copy of the Arundel Neighbourhood Plan Review 2018-2036 was published li November 2018. Policies 1, 2 & 3 of the made plan are no longer present. However, Policies 1 & 2 are reflected by draft policy AR1 which states that:

'The Neighbourhood Plan defines the Built Up Area Boundary of Arundel, as shown on the Policies Map, for the purpose of applying policies SD SP2 and C SP1 of the Local Plan.'

Policy 3 is proposed to be superseded by draft policy AR2 which states that:

'The Neighbourhood Plan allocates land for C3 residential uses on the following sites, as shown on the Policies Map:

- i. Land Off Ford Road;
- ii. Land at Fitzalan Road ('Blastreat and Greenhurst'); and
- iii. The Police Station, The Causeway

Development proposals for these sites will be supported, provided key requirements are met:....'

It is considered that these policies carry very little weight in terms of the Development Plan and for the purposes of this application the applicable policies are policies 1, 2 & 3 of the 'made' plan.

ARUNDEL DESIGN STATEMENT (ADS)

The ADS was produced by Arundel Town Council and Arun District Council resolved on at Cabinet on 11th February 2008 that the Arundel Design Statement be endorsed as a Material Planning Consideration.

The purpose of Village Design Statements is to improve and encourage better quality design in, towns and villages and are useful for all types of development not only that requiring planning purposes.

The Local Planning Authority may endorse a Village Design Statement as a material planning consideration in determining planning applications as long as the Statement complies with national and local planning policy. Where a Village Design Statement has been endorsed by Local Planning Authority it will be seen to carry more weight when planning applications are being determined or at appeal.

The ADS contains useful characterisations of Arundel and associated guidance which is considered to be consistent with adopted policy.

The site appear to fall within Character Area 1 in the ADS which refers to it as follows:

There seem likely to have been at least some buildings by the early 13th century. More houses were built there later; three or four are mentioned on one occasion in the early 15th century. By 1785 there were 15-20. During the succeeding 50 years industrial firms settled on the south bank of the river: By about 1841 there were a brewery and maltings on opposite sides of the Brighton road, (both of which would have been within the current conservation area) together with a timber yard, coal yards, and a soap factory to the west. The unsuitability of the adjacent ground for building restricted southwards expansion, though by around 1875 the advent of the railway had brought a few scattered villas between the Causeway roundabout and the station, these houses and floodplain (IBP) uninterrupted until it reaches the temporary relief road (A27). This farmland is currently used for livestock grazing and as shown on the Proposal map there is a playing field with access from Fitzalan Road. The Bungalows have long gardens that back onto the river Arun. This stretch of the riverbank is the dividing line that is used in the Local plan for the Setting of Arundel (Policy Area 3).

Queens Lane

For a small lane, Queens Lane is one of the most mixed building types (IBP) area in Arundel, it has old cottage style houses, Victorian terraced houses, bungalows, semi-detached houses, access to an Angmering Park Estate farm and modern flats (Westbury Lodge, IBP). It is a narrow lane with the older properties right on the road, while the more modern houses are set back with large front gardens.

Planning Guidelines for New Buildings, Townscape/Street Scene and Gardens include the following:

- In the non-conservation area the pattern of building has been largely determined by development occurring at various times throughout the 20th century. The buildings are mainly linear, following existing and new road patterns; however there are many mixed clusters and groups of buildings.
- A feature of these streets is that, with few exceptions, buildings, gardens and walls are set back from the roads and pavement. The spacious feeling is further enhanced by space all around the majority of structures. The feeling of space is a major characteristic of the non-conservation area.
- It is important that new development recognises the character of the particular locality and is sympathetic to the scale, types of existing development, use of materials and public amenity of individual areas.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, an adverse impact upon the established character of the surrounding area, makes no provision for infrastructure or affordable housing contributions and unacceptably compromises highway safety.

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 lies within the built up area boundary of the Local Plan where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Policy SDSP1a(b) 'Strategic Approach' of the Local Plan seeks to enable development that recognises the sustainable and historic character of the town of Arundel with its historic buildings at the foot of the South Downs. It is considered that the adverse impact of the development on its surroundings as set out below results in development that conflicts with this policy. This site is identified for future housing development in the Arundel Neighbourhood Plan (ANP) under Policies 3 and 5 which allocates the site for the provision of approximately 24 dwellings. It is considered that the extent of development proposed is not in accordance with Policy 5 of the ANP due to the scale of the proposed development and number of units provided. The proposal would provide a further 22 units more than identified in the Neighbourhood Plan when there is no shortfall identified in the adopted Arun Local Plan. The additional units are not required in the District at the present time due to the 5.3 year housing land supply identified in the Inspector's comments on the Local Plan.

Arun Local Plan 2011-2031.

The key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), HER SP1 (the Historic Environment) and HER DM3 (Conservation areas) and T SP1 (Transport and Development) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.
- The loss of Heritage Assets
- It does not harm views into or out of the Conservation Area

Arundel Neighbourhood Plan (ANP)

Policies 1 (Presumption in Favour of Sustainable Development) and 2 (A Spatial Plan for the Parish) seeks to ensure that development conserves the landscape and scenic beauty and that the appearance and design are appropriate to their location and that the benefit of the development is considered in relation to material planning considerations.

VISUAL AMENITY AND DESIGN

The proposed scheme is a 3 storey development providing 46 sheltered apartments for the elderly. It would be located on a corner site in Fitzalan Road at the transition point between existing commercial premises to the east and low density residential development to the north. Whilst there are retirement flats in the vicinity they have a footprint which is fragmented in relation to the road frontage to Fitzalan Road. The proposed building will have significant bulk and mass and will extend the full length of the eastern and northern boundaries of the site close to both road frontages. A substantial set back exists to the existing dwelling and the proposed development is virtually abutting the road frontage which does not

reflect the nature of adjoining development. The scale, site coverage and layout of the development is also out of keeping and would sit at odds with the pattern of development and provide a harsh site frontage. The Arundel Design Statement refers to the feeling of space being a major characteristic of the non-conservation area and this proposal does not comprise a spacious development or reflect this characteristic which is evident on the existing site and derived from their set back position and limited site coverage. It is accepted that the site is capable of increasing the existing level of site coverage, but the levels proposed in this application are excessive.

The eastern portion of the site, abutting the eastern site boundary, which is currently in commercial use, whilst not listed, makes a valuable contribution to the character of the locality, by providing a historic reference and providing architectural interest. The proposal fails to incorporate sufficient detail to the elevations in this part of the development to ensure that the replacement structure in the street scene offsets the loss.

The proposed building would also be closer to the northern site boundary than the existing structures and will extend adjacent to the boundary for most of its length (34m dropping to single storey and then 28m). It would be located between 2m and 2.4m from the boundary. It will not open up the street and allow views across the site, as is currently the case and as such is not considered to constitute a visual enhancement. It would appear as a relentless, overbearing and imposing structure which would be out of character with the existing development in the locality in conflict with policies DDM1 and DSP1.

The proposal will be significantly closer to the highway than the existing dwelling (Greenhurst) and be of significantly greater bulk and height than the existing development on the site. The proposal does not integrate with the development to the west.

The height, bulk, mass and extent of the development especially on the corner is considered to be harmful to the visual amenities of the locality. The development fails to positively address the corner /bend in the road. Whilst it provides a gap of 4m to the road it would not provide a lower stepped down ridge line. It is therefore, considered that the proposed development will be detrimental to the established character of the locality contrary to policy DDM1 of the Arun Local Plan and will appear overly prominent and obtrusive in the street scene.

With regard to layout, the dwellings to the east, side onto the road, in contrast to the development proposed and have a limited length in relation to the road frontage and are a different form of development. They are not therefore directly comparable with the development and have a limited impact on the appearance of the street scene. The bulk and extent of the building in terms of its length and width across the plot results in a bulky form of development which is uncharacteristic and does not relate to the domestic scale of these adjacent properties. Although the roof profile is broken up by pitches the elevations of the building are not staggered, the building visually appears to extend across the plot width and over most of the site frontage with only a single storey break between the 2 blocks.

The front boundary will be defined by railings and planters and some patios which would be out of keeping in the street scene. The proposal provides very little useable amenity space around the development which would help to soften and assimilate the development into the street scene, particularly along the northern frontage and much of this area is currently open garden area to Greenhurst. Much of the space around the proposed development is utilised for parking or access. If the patio areas which will not have any meaningful planting are excluded from the landscaped/grassed garden area only 2 strips are provided which have a maximum depth of 7m. Given the number of units proposed it is considered that this would not be sufficient space to serve the development or to ensure that it is not harmful to the character of the area in conflict with policy DDM1 and DSP1 of Arun Local Plan.

Planning Policies and Central Government advice support the efficient and effective use of land. Policy DDM1 requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, layout and building materials. Policy DSP1 of the Local Plan requires proposals to make efficient use of land. These principles are replicated in the Arundel Neighbourhood Plan in policies 1 and 2. The NPPF also attaches great weight to the design of the built environment and states that local circumstances should be taken into account, to reflect the character, needs and opportunities of each area. Good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Para. 130 suggests permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is acknowledged that attempts have been made to reduce the bulk of the roof through the use of varied roof form. However, it is considered that the mass and site coverage of the proposal should be reduced/broken up and the development repositioned. The proposal does not accord with section 12 of the NPPF and does not add to the overall quality of the area.

The pallet of materials proposed for this development is also not considered to be in keeping with the character of the wider locality, buff coloured brick work and timber cladding on the basis of the information provided are not considered acceptable.

It is considered that the revised proposal is not consistent with the Neighbourhood Plan and the Arundel Design Statement and is contrary to Local Plan and policies.

RESIDENTIAL AMENITY

Arun Local Plan Policy DDM1 indicates planning permission will only be granted for schemes which take account of the impact on adjoining occupiers, land, use or property.

The rear elevation of the proposed building will be situated approximately 19m - 24m from the southern boundary of the site separated by the proposed parking area. The residential properties to the south of the site, specifically 8-14 Queens Street will be situated an additional 25m from this boundary with 14A Queen Street location 17m from the boundary. This separation distance is considered to be sufficient to prevent any unacceptably adverse overlooking or overbearing impacts.

The closest residential property to the north of the site is 2 Fitzalan Road which is located 11m from the proposed development which is considered sufficient to prevent any unacceptably adverse overlooking, particularly given that the sites are separated by Fitzalan Road and privacy would not normally be expected within a front garden area. However, given the proximity of the proposal to neighbouring properties to the north there is the potential for detrimental overshadowing/loss of light for properties to the north. A BRE daylight/sunlight Assessment has been submitted in support of the application. However the distances between the development and neighbouring properties has been clarified and differs from those noted at the time of the Assessment by a decrease of up to 60cm in the case of 2 Fitzalan Road. This difference is not considered to materially alter the results of the Assessment.

The proposed development should take account of the 25 degree rule for light to ensure there will be no adverse effect on existing properties with regards to obstructing daylight to existing windows/rooms. This test is carried out when the proposed building is opposite the existing building. A reference line is taken at 2m on the existing building. This is the assumed position of the top of windows in the existing building. A 25 degree line is then drawn towards the proposed building. If the whole proposed development falls underneath the line drawn at 25 degrees, there is unlikely to be a detrimental effect to daylight on the existing property. The submitted Assessment concludes that the development at Otters Quay and 2 Fitzalan Road are to the north of their respective buildings and the proposed development is unlikely to

significantly affect sunlight provision. All windows to the front elevation of 2 Fitzalan Road meet the BRE guidelines by being able to receive more than 27% vertical sky component with the proposed development in place. The window under the porch overhang would be below guidelines, but if the overhang is not included the window would comply with the guidelines.

All windows to Otters Court, Caen Stone Court, Westbury Lodge, Queens Lane and Fitzalan Mews would meet the BRE guidelines for loss of daylight and sunlight. 2 windows would be below the loss of daylight guidelines at Martlets Court when the impact of existing balconies are included in the calculations. All windows would meet guidelines with the balconies removed, as suggested in the BRE report. All windows at Martlets Court would meet the loss of sunlight guidelines.

The most significant potential for conflict on the southern boundary is with Westbury Lodge to the south-east of the site. The existing 3 storey residential development (Westbury Lodge) is located approximately 2m from the southern boundary of the site with the proposed development 8m from this boundary with the proposed block of flats measuring 19m in depth at first and second floor level having the potential to adversely impact upon residential amenity. However, the 3 storey element of the proposal does not fall within 45-degrees of the windows of Westbury Lodge. The land to the rear of Westbury Lodge is also used to provide car parking facilities and as such the proposal will not give rise to unacceptably adverse overbearing impacts.

The south facing windows of residential properties to the north of the site are situated between 18 and 20m away from the proposed building. This separation distance is considered acceptable to prevent harm to the residential amenity of neighbouring properties to the north.

To the west of the site the proposal at its closest point will be located 21m away from residential properties - the western elevation of the building does not feature any windows on the plans submitted and as such there is not considered to be any adverse overlooking. The trees in the north-western corner of the site are also shown as being retained with no unacceptably adverse overbearing or overshadowing impacts in this location.

COMPLIANCE WITH INTERNAL SPACE STANDARDS

The 1 bedroom flats shown on the submitted floor plan are shown as having a gross internal floor area (GIA) of 50m² and the 2 bedroom flats a GIA of 68m². The 1 bedroom flats exceed the minimum space standard requirement specified in the Nationally Described Space Standards (NDSS) whilst the 2 bedroom flats are 2m² below this standard.

AFFORDABLE HOUSING

The proposal does not meet the requirements of policy AH SP2 in that no contributions are secured by a section 106 Agreement and no units within the development are to be provided within the development. Whilst there may not sufficient viability in the scheme to provide the full amount requested no level of contributions has been agreed or secured.

HIGHWAYS AND TRANSPORT

The visibility splay to the west appears to cross third-party land which is not included within the red edge of the application site. Therefore, there is risk that it cannot be provided without consent of others and could be obstructed if agreement isn't reached between parties and/or if it's not taken across land under the applicant's control or highway land.

There is no bellmouth radius on the western side of the access, thereby requiring drivers to cross the centreline of Fitzalan Road when turning left/west out of the access, which could be into the path of

oncoming vehicles. As such, a suitable radius should be provided which will require the access to be moved eastwards and a suitably-dimensioned access provided suitable for two-way traffic to use the entrance.

County highways have advised that a suitably dimensioned path is not shown connecting the buggy store found on the western side of the building to the proposed footway shown along the front of the building, therefore requiring users of such vehicles to be present in the vehicular access to the development. Also, the proposed footway along part of the frontage is shown extending west which would mean that users from the development would be directed to walk 'away' from the desire-line towards the town centre - cross the road - and then turn to travel east towards town. Some might not do this and cross over the road closer to the bend in Fitzalan Road where visibility is less when compared to the crossing point currently shown west. A footway should be provided along the entire frontage and create a suitable crossing point/location to align with the desire line to-and-from the paths leading to/from the town centre. Details including ramps, tactile paving and visibility should be demonstrated in accordance with design standards and/or guidance as applicable. Any boundary treatment (wall/planting etc.) should be no higher than 600mm when built/fully mature respectively. Any footway should measure 2.0m wide to cater for a choice of user. The current as-proposed arrangements should remain alongside this addition for users wishing to travel west.

The West Sussex Fire and Rescue Service (WSFRS) has reviewed the submitted plans for the planning application and has stated that suitable access for fire-fighting purposes is not currently demonstrated. As such, it would require further information to substantiate the proposal that all parts of the dwellings can be reached with 45mtrs from the operational location of a fire appliance. From the submitted plans, the majority of the access points are up steps and away from Fitzalan Road to the rear of the building. It would not appear that a fire appliance would have sufficient room to enter the rear car park area and turn to exit so travel distance would be exceeded.

For the reasons set out above it is not considered that the proposal would accord with policy TSP1 of Arun Local Plan.

FLOODING

The site lies in Flood Zone 3 and a Flood Risk Assessment has been submitted with the application. Provided a condition is included in any approval to ensure development proceeds in accordance with the FRA there would no objection to the proposal on flooding grounds and the proposal would accord with policy WDM2 of Arun Local Plan.

HERITAGE ISSUES

The site adjoins a designated conservation area, but does not adversely impact on its setting given its distance from buildings of merit within it and that modern blocks of flats are located between the site and the boundary in many places. This view has been shared by previous conservation officers. The proposal would not therefore conflict with the guidance in the National Planning Policy Framework or policy HER SP 1 of the Arun Local Plan.

The building at the eastern end of the site is not on the list of locally listed buildings but its addition maybe considered as part of a subsequent review. It is however a heritage asset and policy HERSP1 is therefore relevant to consideration of the proposal. This requires Non-designated heritage assets to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. The proposal is considered to adversely affect the heritage asset by not retaining any of the elevation abutting Fitzalan Road. The building makes a positive contribution to the character of the area and the loss of the warehouse architecture from the street scene fails to conserve or enhance the historic environment.

CONCLUSION

The proposed development is considered to result in unacceptable adverse impacts on the area by way of unsatisfactory layout, excessive footprint, site coverage and lack of satisfactory integration with adjacent sites. The proposal also lacks an Affordable Housing and Infrastructure contributions Agreement. The proposal is therefore in conflict with relevant development plan policies DSP1, DDM1, AH SP2, INF SP2, SD SP1a(b), HDM1, HERSP1 & TSP1 of the Arun Local Plan and Policy 5 of the Arundel Neighbourhood Plan and is recommended for refusal for the following reasons.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

SECTION 106 DETAILS

West Sussex County Council

Contributions are required so as to ensure any proposed development would be appropriately mitigated in terms of infrastructure provision or contributions. These services include libraries, waste and the fire service and delivery solutions for these projects need to be agreed.

The requirements below are considered to be CIL compliant.

Infrastructure in the form of a s106 will be required for libraries (£13,897) and fire and rescue services (£1,134). These figures would need to be incorporated in any Agreement. The contributions generated by this proposal shall be spent on a additional stock at Arundel Library.

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Arundel.

Affordable Housing

The council is agreeable to the payment of a commuted sum in this instance.

In accordance with policy the proposal generates the need for affordable housing and infrastructure contributions which would need to be secured by a Section 106 Agreement. No such Agreement has been drawn up to pay a commuted sum of £1,120,000 (14 x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

The Viability Report suggests that not all contributions requirements generated can be provided and a decision would need to be reached on the figures requested for each requirement.

RECOMMENDATION

REFUSE

- 1 This site is identified for future housing development in the Arundel Neighbourhood Plan under Policies 3 and 5 which allocate the site for the provision of 24 dwellings. The extent, number of units and type of development proposed is not in accordance with Policy 5. The lack of housing mix, layout, excessive scale, footprint and site coverage and consequent lack of landscaped space result in an unacceptable overdevelopment of the site which is harmful to the visual amenities of the locality and detracts from the character of the area and the proposal conflicts with policies H DM1, D SP1, D DM1 and SDSP1a of the Arun Local Plan , policy 5 of the Arundel Neighbourhood Plan and the NPPF.
- 2 By virtue of its position on the site, with no significant set back from the Fitzalan Road frontage, excessive site coverage, unacceptable relationship with the neighbouring properties and lack of sufficient detailing in respect of the eastern most unit, the proposal is not in keeping with the character and appearance of the area and fails to adequately retain/incorporate a heritage asset. The proposals will significantly detract from the character of the area in conflict with policies D SP1, D DM1 and HER SP1 and the NPPF.
- 3 Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access design (including visibility splays) for users of the development (including access for fire and rescue vehicles for fire-fighting purposes) and would therefore give rise to increased hazards to occupiers/users of the development and other highway users in conflict with policy TSP1 of Arun Local Plan and the NPPF.
- 4 The proposal does not demonstrate suitable and convenient access by a choice of means of travel, nor encourage and enable an increase in environmentally sustainable means of travel such as walking, access by mobility scooters, cycling and public transport and thereby minimise the impact of car journeys in conflict with policy TSP1 of Arun Local Plan and the NPPF.
- 5 The proposed development fails to make an adequate contribution towards affordable housing provision and other infrastructure requirements and would therefore be contrary to policies AH SP2 and INF SP1 of the Arun Local Plan.
- 6 **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 with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.