

Recommendation Report for Planning Permission

REF NO: AB/73/18/PL

LOCATION: Land adj 18 Queens Lane
Arundel
BN18 9JN

PROPOSAL: Demolition of garage & erection of 2No. dwellings with associated car parking and landscaping

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	20 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	No trees of any significance affected.
BOUNDARY TREATMENT	From the Officer's site visit the site appeared to be bounded by planting in the form of hedging and low level bushes, shrubs and the odd tree.
SITE CHARACTERISTICS	The application site is a patch of grassland adjacent to adjoining property 18 Queens Lane. The site is bounded by planting in the form of hedging and low level bushes, shrubs and trees. The site contains a garage and other associated residential paraphernalia.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mix of at the the end of Queens Lane which is a cul-de-sac and adjacent to open fields and an agricultural storage yard. This provides the site with a semi-rural setting.

RELEVANT SITE HISTORY

AB/82/17/PL	1 No. dwelling (resubmission following AB/14/16/PL).	ApproveConditionally 18-08-17
AB/79/01/	Five no 3 bedroom houses	Withdrawn 08-08-01

Officers note that a new dwelling adjacent to number 15 Queens Lane was granted under previous application ref: AB/82/17/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

Object:

- Development would harm the character and appearance of the street scene and area.
- Would appear as a prominent and bulky feature.
- Would fail to reflect the building line and discreet appearance and size of other dwellings along Queens Lane.
- Concern of overdevelopment. Proposal has had to be "shoe horned" into the site in order to accommodate the proposal.

3 Letters of neighbour representation have been received which object to this application and are summarised below:

- The land is unsuitable, and prone to flooding.
- Any further building will cause further risk of flooding on the adjacent properties.
- Concern with access to site.
- Concern with disruption to residents re: construction as the construction of a dwelling adjacent to number 15 has already caused considerable disruption.
- Concern with drainage as sewage has already backed up.
- No pavement in Queens Lane and further development with traffic poses a serious threat to children and pets.
- Concern that the development would harm the character and appearance of Queens Lane and would not fit in with the building line and size and character of the houses. The houses appear to be 3 floors.
- Building 2 dwellings right next to a working farm is ridiculous.
- To build on this land is an unacceptable risk.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be discussed further in the conclusions section below.

CONSULTATIONS

Environment Agency

Surface Water Drainage Team

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Environment Agency: No objection subject to the imposition of a condition.

Drainage and Coastal Engineer: No objection subject to the imposition of a condition.

County Highways: Comments awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments and conditions recommended to be imposed.

POLICY CONTEXT

Designation applicable to site:

Within Built-up Area Boundary

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
TDM1	T DM1 Sustainable Travel and Public Rights of Way
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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 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 Plan (ANP) and the relevant policies within it have been taken into account.

In November 2018 a pre submission copy of the Arundel Neighbourhood Plan Review 2018-2036 was published. 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 the following 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.

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:

This site lies within the built up area boundary where development is acceptable in principle in accordance with Arun Local Plan Policy SD SP2 and provided it is in accordance with other policies of the Local Plan covering issues of visual amenity/character, residential amenity, highway safety & parking and space standards.

The key policy considerations in the determination of this application are policies D DM1, D DM2, D SP1, T SP1, T DM1 and QE SP1 of the adopted Arun Local Plan 2011-2031, Policies 1, 2 and 3 of the ANP and the National Planning Policy Framework and the Arundel Design Statement.

VISUAL AMENITY & CHARACTER:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including, character, appearance/attractiveness, density and scale, in order that the proposal does not have a detrimental impact on the character of the area.

Furthermore, policy D SP1 "Design" requires that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Officers consider that the building line varies along Queens Lane and as such the siting of the proposed dwellings would not have a detrimental impact on the pattern of development along Queens Lane and the wider area.

Officers note that the proposal would have a more modern design that differs from the style of dwellings along Queens Lane, particularly with its 3 storey appearance. While the proposed semi-detached dwellings would feature a more modern appearance, the proposal draws on design features of neighbouring dwellings, such as the proposed front projecting elements. While dormers are not a common feature along Queens Lane, it is noted none the less that front dormers are present in the locality.

With regard to the proposal being 3 storeys it is considered that while other properties are 2 storey along Queens Lane the dwellings would be sited at the end of the Lane which would therefore lessen their prominence within the street scene. Officers note the open fields to the front of the site and that views of the proposal would be available. However given that the pair of semis would only be 0.25 of a metre higher than adjoining property number 18 and that they are proposed to be sited nearly 18m from the front boundary abutting the highway would make them to not appear as an incongruous feature within the streetscene or the wider area vary in appearance.

The proposed external materials are as follows:

Windows: Proposed,: Pointed timber Joinery

Roof: Existing: Proposed: Plain clay tile roof and hung tiles.

Walls: Proposed: Stock facing brick with red brick details, white painted brick to the lower floor

Other: Proposed - Brick enamel, stone flue

The proposed dwelling has a modern appearance which is echoed in the proposed external materials, as above. Having regard to the materials used in nearby dwellings it is considered that the above proposed materials would on principle be acceptable, given the materials used within the wider estate area.

While the applicant has not stated what stock facing brick they wish to use an appropriate materials condition will, be imposed upon any grant of planning permission. As such it is considered that the proposed materials would be acceptable.

The proposed new semi-detached dwellings, would be acceptable in design terms as they would be of a size and scale that harmonises with the character of the adjoining properties and the wider surrounding area. Officers note that along Queens Lane and the surrounding areas there a variety of different property styles.

Therefore the proposal would not be unduly prominent or out of keeping with the character and appearance of the locality and comply with Policy D SP1 and D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY:

Arun Local Plan Policy D DM1 requires that 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."

Regard should also be had to paragraph 127 of the NPPF which states that:

"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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is not considered that the proposed dwellings will result in harmful overlooking of neighbouring properties.

With regard to the windows in the front of the dwellings they would allow views out toward Queens Lane, over the fields to the front of the site and, obliquely, out over the front gardens of adjoining properties that are already substantially overlooked.

The proposal includes 2 balconies (terraces), 1 to the rear of each dwelling, serving bedrooms. The applicant proposes 1.0 metre high glazing, to act as safety 'railings' around the proposed balconies. At a height of 1.0 metre views out over the rear garden of adjoining property numbers 18 and 16 would be available. So as to prevent any direct overlooking of these gardens a condition is proposed to obscure glaze to a height of 1.7m the north side of this screen. Other views toward properties to the rear would be at an acceptable distance of 35 - 45+ metres beyond the telephone exchange site.

Officer's also consider that there would be no detrimental overlooking, to the occupiers of adjoining properties, from the proposed windows in the rear elevation, as any overlooking would be at an angle and only over the rear of the rear amenity gardens of adjoining properties.

Two dormer windows are proposed into the side roofslopes of the dwellings. As these would serve stairwells, habitable rooms would not be affected by overlooking.

While the proposed dwellings would be 3 storeys in height, they would be set in from the common boundary with adjoining property number 18 by approximately 3.7 metres at its minimum point and 5.1 metres at its maximum point. Due to the proposed dwellings being set significantly back into the site rather than in line with adjoining property number 18, they would be highly visible from the rear of adjoining properties 16 and 18. However, property number 14a is also set significantly back into the site such that it projects beyond the rear elevations of adjoining properties. Therefore, given the aforementioned separation distances along with the size and scale of the proposal it is considered that it would not have an overbearing impact on the occupiers of adjoining properties

As a result, the proposal would not have a detrimental impact on the occupiers of adjoining and neighbouring properties with regard to, overlooking, overshadowing, overbearing effect and loss of light/sunlight.

As such it is considered that the proposal would comply with policy D DM1 of the Arun Local Plan 2011 - 2031.

DRAINAGE ISSUES:

From an assesment it is considered that the proposed semi-detached dwellings would likely connect up to the existing sewers, although the applicant has not stated how foul sewerage is to be disposed of.

Officers do not consider that 2 semi-detached dwellings would make the issue of foul sewerage capacity substantially worse than existing. An informative is proposed detailing the need to consult Southern Water with respect to disposal of foul water.

The applicants have not made specific reference to drainage within their Design and Access statement, however the Councils Drainage Engineer has assessed the application and does not object subject to the imposition of standard conditions. Equally the Environment Agency are satisfied with the proposal subject to condition

As such it is considered that the proposed new dwelling would not have a detrimental impact with regard to drainage/foul sewerage .

PARKING AND HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure development provides safe access on to the highway network, incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide.

From an assessment of the plans and the design and access statement the applicant has stated that 1 parking space per dwelling would be provided, in the proposed garages. Having regard to the West Sussex County Council guidance on parking provision, 4 spaces are required - 2 allocated and 2 unallocated (for residents). Therefore the proposals would lead to a short fall of 2 spaces. While a shortfall of 2 spaces would occur this would only be with regards to the unallocated spaces. However, as aforementioned, the application site is considered to be in a sustainable location with shops and bus stops in close proximity (0.1 of a mile) to the site. Also cycle parking is to be provided and there are no parking restrictions along Queens Lane.

Objection has been raised regarding the access to the site. Access to the site would be via the existing access to the front of the application site with onsite turning available. It is considered suitable access and egress to and from the site would be available.

Therefore it is considered that the proposal would not have a detrimental impact on parking and highway safety. As such, it is considered that the proposal would comply with Policy T SP1 and TDM1 of the Arun Local Plan 2011 - 2031.

SPACE STANDARDS:

Policy D DM2 of the Arun Local Plan applies (Internal space standards) which confirms that the planning authority will require internal spaces to be an appropriate size having regard to the Nationally Described Space Standards. Having regard to the Technical housing standards - nationally described space standards a 3 bedroom, 6 person (bed spaces) dwelling would require 108 sqm of gross internal floor area (minimum (including storage)) with 2.5 metres of built in storage. The proposed dwellings would each have approximately 125 sqm of gross internal floor area, not including the proposed garage(s) (including approximately 4.35 metres of built in storage, not including possible use of the garage for some limited storage not affecting parking). The proposal would comply with national internal space standards.

Officers note that the Council does not have a Policy regarding external amenity space provision. Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, from an assesment of the submitted plans it is noted that sufficient rear amenity space would be provided . Therefore, Officers consider the proposed amenity space is acceptable.

As such, the proposal would adhere with Policy D DM1 and D DM2 of the Arun Local Plan.

ARUNDEL TOWN NEIGHBOURHOOD PLAN POLICIES:

Policies 1, 2 and 3 of the ANDP apply to this application. Policy 1: The Presumption in Favour of Sustainable Development states that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Also where planning applications are to be considered against the policies of this plan then this policy will underpin the approach the Town Council and local planning authorities will adopt in delivering sustainable development in the parish.

Having regard to the above assessment it is considered that the proposal would accord with all relevant National and local planning policy, including those within the ANDP.

Policy 2: A Spatial Plan for the Parish states that The Neighbourhood Plan requires future housing, within the parish to be located in the town of Arundel to build and bolster its role as a resilient town community. Great weight will be given to conserving landscape and scenic beauty,

Given the above assessment, having regard to the Visual Amenity and Character section, it is considered that the proposal would not have a detrimental impact on the street scene or wider area. Additionally the proposal would be sited within the Town of Arundel, within the Built- Up Area Boundary. Therefore, the proposal would adhere with Policy 2 of the ANDP.

Policy 3: Housing Supply seeks to provide for the development of a minimum of 60 homes for completion in the period from 1 April 2014 to 31 December 2029 on allocated sites. While the application site is not one of the allocated sites, it would enable the provision of an additional 2 dwellings in addition to the 'minimum of 60' as provided for by the ANDP.

SUMMARY.

This proposal is considered to represent an efficient use of land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted.

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.

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:

001 Rev A
100 Rev A
200
300

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 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (June 2018) and the following mitigation measures detailed within the FRA:

Finished floor levels for the first floor, where habitable rooms are proposed, are set no lower than 4.10 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WDM2 of the Arun Local Plan.

- 4 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of

any Infiltration drainage.

No 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.

- 5 No part of the development shall be first occupied until the ground floor car parking spaces have been constructed in accordance with those shown on plan 100 Rev A. These spaces shall thereafter be retained at all times for their designated car parking purpose.

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

- 6 The development shall not commence until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1 and W DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with Policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policies TSP1 and TDM1 of the Arun Local Plan.

- 9 The north side glazed screen serving the proposed balconies, shall measure a height of 1.7 metres and shall be obscurely glazed to the satisfaction of the Local Planning Authority, before first occupation and shall remain so at all times thereafter.

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

- 10 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm 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 event plus 30% on stored volumes, as an allowance for climate change. 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 are also available on request.

- 11 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>.
- 12 INFORMATIVE: It is recommended that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.
- 13 INFORMATIVE: We recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>
- 14 INFORMATIVE: Any works in, over, under or within 5 metres of the IDB ditch located at the southern boundary of the property will require a Flood Defence Consent from the Environment Agency. For more information please contact PSOWestSussex@environmentagency.gov.uk.

Your responsibilities and rules to follow for watercourses on or near your property, and permissions you need to do work around them can be found at <https://www.gov.uk/guidance/owning-a-watercourse>.

- 15 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.