

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 07-MAR-2017

REF NO: AL/130/16/OUT

LOCATION: Land adjacent of 14 St Johns Close
Westergate
Aldingbourne

PROPOSAL: Outline Application with some matters reserved for 1No. 5 person 3 bedroom bungalow, with 8No. parking spaces, bin and cycle store

Present:- Councillors Mrs Hall (Chairman), Bower, Charles, Mrs Oakley, Mrs Pendleton, Mrs Stainton and Miss Rhodes.

The Inspection Panel discussed the planning merits of the application site in detail, and voted to accept the officers recommendation of approval.

AL/130/16/OUT

Recommendation Report for Outline Consent

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The only matters to be approved at this time are layout and access.

The proposed bungalow will have a rear garden and two designated parking spaces. A further eight parking spaces are provided for the use of existing residents. The drawings also show retained access points to the rear gardens of 10/12/14 St Johns Close and 8 Hook Cottages. Illustrative elevations show a building of 2.6m to the eaves and 5.4m to the ridge.

It should be noted that although this is an ADC

report

	application, it is not to be assumed the dwelling will become a 'Council House' and it may well be developed as market housing.
SITE AREA	0.07 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	14 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are two Birch trees in the rear garden of 14 St Johns Close but neither are considered to be affected by the development.
BOUNDARY TREATMENT	1.8m high close boarded fencing except in the case of Athwal Cottage which is built right on the boundary.
SITE CHARACTERISTICS	Existing hardstanding parking court accessed from St Johns Close with narrow grassed strips on two sides, otherwise extending right up to the neighbouring residential plots. The parking spaces are not marked out with white lines.
CHARACTER OF LOCALITY	Predominantly residential but with a mixed style of both one and a half and two storey detached and semi-detached dwellings. Athwal Cottage to the south is a part single, part 1.5 storey dwelling which adjoins the Aldingbourne Village Stores. Athwal Cottage has three principal first floor windows overlooking the site. A kitchen window at ground floor is obscure glazed. To the west, the site shares a boundary with the side of the rear garden to 8 Hook Cottages. This is a 1.5 storey dwelling with secondary first floor windows in the flank wall. To the east, the site shares a boundary with 1 & 2 Orchard Cottages, both of which are considered to be two storeys in height and with principal windows overlooking the site. The houses to the north, 12 & 14 St Johns Close also have first floor principal windows facing the site.

RELEVANT SITE HISTORY

No relevant history.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

"The Parish Council objects to this application. it is overdevelopment and is contrary to policies GA3 (Parking), H1 (Design), H3 (Housing Density) and H3.1 of the Aldingbourne Neighbourhood Development Plan."

Three letters of objection from neighbouring residents raising the following concerns:

- (1) Application will deny access to rear of 12 St Johns Close which has been the case for 40 years;
- (2) Application will prevent occupiers of 3 Orchard Cottages from parking at the rear of their property
- (3) Impact on outlook of 14 St Johns Close;
- (4) Loss of parking for existing residents resulting in parking on-street resulting in safety issues;
- (5) There are often 20 cars parked on the site;
- (6) The suggestion in the Parking Survey that cars can be safely parked along Lidsey Road is preposterous; and
- (7) The suggestion in the Parking Survey that cars can be safely parked in Belle Mead Close & Woodgate Park are irrelevant as these streets are across the busy A29.

Comments on Representations received:

The Parish Council comments are noted and will be discussed in the Conclusions section.

Except where indicated below, the objectors comments are discussed in the Conclusions section.

- (1) The submitted plans show a footpath of between 1.2m and 2m wide to provide access to the rear of 10-14 St John Close; and
- (2) Parking to the rear of 3 Orchard Cottages will not be prevented as communal parking spaces are shown adjacent to the eastern boundary.

CONSULTATIONS

WSSC Strategic Planning
Engineers (Drainage)
Engineering Services Manager

Consultations responses received:

WSSC HIGHWAYS - No objection subject to conditions to require that car and cycle parking spaces are provided prior to occupation. Comments in full below:

"The site is an existing informal parking area owned by the District Council. Access into the site will not be altered and is sufficient for the proposed purpose.

A Parking Demand & Capacity Report was carried out over two weekday mornings (00:30-5:00). During this time a maximum of 17 cars were parked on site. The proposals will include 8 re-provided parking spaces for nearby residents, therefore a displacement of up to 9 spaces will occur nearby on street. The car parking capacity survey assessed the volume of available on street car parking spaces to be 195 (currently at 43% capacity) in the vicinity. The LHA do not wish to raise a highway safety or capacity concern with the parking arrangements.

Two spaces will be provided for use with the new bungalow. This meets with what the WSSC Car Parking Demand Calculator envisions for a development of this size and location.

From an inspection of the plans the LHA are satisfied that the site can facilitate turning for cars and access for Fire and Refuse Vehicles is achievable.

There are a limited range of local amenities within walking distance. I would advise that secure and covered bicycle storage is included and kept in perpetuity.

The applicant has demonstrated that capacity for existing residents parking can be accommodated nearby on street and that access, parking and turning for the new bungalow are sufficient. The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal."

ADC DRAINAGE ENGINEERS - "Infiltration to be investigated to drain new development. Please apply standard conditions ENGD2A. Adopted or possibly council-owned sewers are present in this area, easements may be required."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class C Road;
Overhead Electric Line; and
PD Restriction/Open Plan Condition.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
 GEN9
 GEN12
 GEN33

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
Light Pollution

D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
H DM1 Housing Mix
QE DM2 Light Pollution
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

[Aldingbourne Neighbourhood Plan 2016 POLICY EH1](#)

Resist development outside

[Aldingbourne Neighbourhood Plan 2016 POLICY EH5](#)

Development in Flood risk areas will not be supported unless...

Surface Water Management
Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY

EH6

Aldingbourne Neighbourhood Plan 2016 POLICY

EH10

Aldingbourne Neighbourhood Plan 2016 POLICY

GA1

Aldingbourne Neighbourhood Plan 2016 POLICY

GA3

Aldingbourne Neighbourhood Plan 2016 POLICY

H1

Aldingbourne Neighbourhood Plan 2016 POLICY

H2

Aldingbourne Neighbourhood Plan 2016 POLICY

H3

Aldingbourne Neighbourhood Plan 2016 POLICY

H6

Aldingbourne Neighbourhood Plan 2016 POLICY

H8

Aldingbourne Neighbourhood Plan 2016 POLICY

Unlit village status

Promoting Sustainable movement

Parking and new development

New housing or altering dwellings

Quality of Design

Range of house types

Housing Mix

Housing density

Within built up area boundary

Windfall sites

Dwellings must have adequate private or shared amenity.

Outdoor space

Items to consider e.g. - bin stores

Attention to detail

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

NPPG

National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

With respect to this application and the Aldingbourne Neighbourhood Plan, the first circumstance does arise as the Neighbourhood Plan has only recently been published. However, regarding the 2nd & third circumstances, the Aldingbourne Neighbourhood Plan does not allocate any sites for housing and Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

The relevant policies of the Aldingbourne Neighbouring Plan are considered within this report.

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 a predominantly residential area within the defined built up area boundary area and is therefore acceptable in principle subject to normal development control criteria such as visual amenity, residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

NPPF TEST OF SUSTAINABILITY

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Environmental Role -

The site is in a sustainable urban location and is within walking distance of various local amenities including shops, schools and a public house. These walking routes also use adopted street pavements which are predominantly flat and have street lighting. It is therefore considered the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. This environmental factor weighs in the scheme's favour.

Economic Role -

It is considered the proposal will result in a localised economic benefits through the need to employ people to carry out the building works. The proposal also results in a minor increase in Council tax receipts and new homes bonus payments. These economic factors weigh in the

scheme's favour.

Social Role -

It is considered that the proposal will have minor social benefits by providing a new house to meet local needs. This factor weighs in the scheme's favour.

Assessment -

It is considered the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

CHARACTER, DESIGN & RESIDENTIAL AMENITY:

It is not considered that a single bungalow with a residential density of 14 per hectare can be considered to represent overdevelopment. Furthermore, although there are no other examples of bungalows in the immediate area, the area does have a mixed character and it is noted that part of Athwal Cottage to the south is single storey.

The applicant has recognised the constrained nature of the site particularly the fact that it is overlooked by rear elevations on three sides and has therefore proposed a bungalow. As such, there will be no loss of privacy to existing properties as views will be screened out by existing boundary fencing. Furthermore, the low nature of the dwelling and its distance from nearby dwellings will prevent there from being any harm caused by loss of light. In particular, views from the first floor windows of Athwal Cottage will not be hindered but will instead now look out over the roof of the dwelling.

It is noted that certain local residents are concerned as to the impact on their outlook. However, it should be noted that there is no right to a view in planning law.

PARKING

Both the Parish Council and local residents are concerned as to the impact of the proposal on the availability of local off-street parking spaces. The current site is not marked out with white lines and so there is no set figure for the amount of parking spaces that will be lost. The applicant has submitted a Parking Demand and Capacity Report which states that a maximum of 17 cars were recorded as being parked on the site during the survey period. The application proposes to part replace the lost parking with 8 unallocated spaces. This results in 9 cars being displaced to surrounding roads.

The application has been assessed by WSCC Highways who have carefully checked the submitted documents and who consider that there is a more than adequate amount of existing on-street parking spaces in the vicinity of the site. Furthermore, Highways consider that two proposed parking spaces for a dwelling of this size is acceptable. A condition will be imposed to ensure that cycle parking storage is also provided.

It should also be noted that this site is Council owned and although, the site has been open to local people for a number of years, none of the local residents have a legal right to a parking space on the site. Furthermore, none of the local residents contribute to the upkeep of the site

other than through Council Tax payments.

Although residents will experience change to their parking arrangements in that they may have to walk slightly further to park their cars, it is not considered that this change will be detrimental to their amenity or to their safety.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). The requirement for a single storey, three bedroom 5 person dwelling is 86m². The indicative proposed floor area is 86m² and therefore complies.

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden.

The proposed development as shown on the illustrative floor plans requires a garden of 10m depth and 85m² in area. The garden as shown is 10m deep and over 100m² in area.

SUMMARY:

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area or the amenities of existing residential occupiers. It is also considered to be sustainable development and therefore benefits from the presumption in favour of development set out within the NPPF.

It is therefore recommended that permission be granted subject to the following conditions.

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 permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Scale;
- (b) Appearance;
- (c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plan - Drawing 16/021 20 Rev A "Location Plan & Proposed Site Plan".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District 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 GEN7 and GEN9 of the Arun District Council 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 vehicle parking and turning spaces have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with the National Planning Policy Framework.

- 6 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. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and the National Planning Policy Framework.

- 7 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 within 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 and maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

- 8 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.

- 9 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 10 INFORMATIVE: Please be aware that adopted or possibly council-owned sewers might be present in this area and easements may be required.
- 11 INFORMATIVE: Please note that a condition would be imposed on any subsequent reserved matters or full application to ensure that the living room window in the southern elevation and the bathroom window in the eastern elevation of the building are glazed with obscured glass.
- 12 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.