

Recommendation Report for Planning Permission

REF NO: AL/42/17/PL

LOCATION: The Red House
Westergate Street
Westergate Aldingbourne

PROPOSAL: Change of use of land to form part of private residential garden of existing dwelling and erection of fencing to front and side and provision of 0.5m planted margin

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Enclosure of land to become private residential garden, to side (north) of garden to Olivers Meadow with 1.985m fence and enclosure of garden to side and front at junction of Olivers Meadow and Westergate Street with 1m fence. 1m fence section is in place but it to be moved back by 0.5m should this application be approved to allow for planting in front.

SITE AREA

0.01 hectares (not including existing site of house)

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.985m close boarded fence to north side and 1m close boarded fence to junction and partly to front of Olivers Meadow and Westergate Street. 1.2m close boarded fence to remainder front (east) boundary.

SITE CHARACTERISTICS

Previous open green space next to corner property with parking to front and private garden to rear.

CHARACTER OF LOCALITY

Residential with various property types, mainly two storey. The area is on the main road of Westergate Street (A29).

RELEVANT SITE HISTORY

AL/39/08/	Single storey rear extension	ApproveConditionally 04-06-2008
AL/102/75	Proposed extension to house	ApproveConditionally

10-02-1976

None relevant.

REPRESENTATIONS

Representations received:

No response.

Comments on Representations received:

N/A.

CONSULTATIONS

Engineers (Drainage)

Engineering Services Manager

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary

Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN9

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
Foul and Surface Water Drainage
D DM1 Aspects of Form and Design
Quality
D SP1 Design
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
W DM2 Flood Risk
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

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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.

report

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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; Walberton; 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

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).

Relevant Aldingbourne NDP policies will be considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it has no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor does 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 change of use to private garden land is considered acceptable as the site is within the build up area boundary.

DESIGN AND VISUAL AMENITY

The loss of the green space to the side of the property is considered to be acceptable. The area is not open plan in character and the property on the opposite side of the junction (The Needles) has a 1.8m wall and 1m wall to front and side. This development balances the appearance of the road, visually and the untreated timber materials are considered to be residential in appearance and acceptable visually. The 0.5m set back with potential for planting in front of the fence is acceptable. However, it is not considered that the Council need to ensure planting is carried out.

RESIDENTIAL AMENITY

The fences are not be directly adjacent to neighbouring properties and face the road. There will be very little impact on residential amenity.

SURFACE WATER DRAINAGE

The submitted design and planning statement states that the new surface to the front and side of the house is porous and it is evident that there is planting and a flower bed behind the 1m fence. As such, it is not considered that there will be a significant increase in surface water run-off which could create a flood risk.

The application is recommended for conditional approval.

HUMAN RIGHTS ACT

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 which is not already in place 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 retained in accordance with the following approved plans:-

Location Plan/Site Plan REV - A
Proposed Plot Plan REV - A

Proposed Front Elevation (from Westergate Street) REV - A
Proposed Side Elevation (from Olivers Meadow) REV- A

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.

- 3 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.