

Recommendation Report for Planning Permission

REF NO: AL/83/21/PL

LOCATION: Land adj to 1 Hook Lane
Westergate
PO20 3QL

PROPOSAL: Demolition of existing storage building & garage, replace with 1 No. 3 bed dwelling, including new access to existing dwelling. This application is in CIL Zone 2 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for the demolition of a garage and store to replace with a 3 bed dwelling including new access. The dwelling would be attached to the existing residential property to the east, would have a 'mansard roof', would be 10.4m wide, 5.7m high, would have an L-shape (7.9 m deep in an attachment and 6m on the western side) and would be a distance of approximately 0.4m from the shared boundary with a detached property to the west. The open porch with gabled roof would be positioned centrally. There would be a small courtyard to the rear (5.3m x 2.4m) and a small garden and one parking space to the front. The dwelling would provide kitchen, living, dining and utility room at the ground floor and three bedrooms and two bathrooms at the first floor.
SITE AREA	0.038 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	27 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, although the site is raised above the adjoining road by approximately 1.5m.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open to the front, dwarf wall on the eastern boundary, panel (vertical board) fencing with a vegetation on the western and the rear wall of existing garage and panel fencing to the rear.
SITE CHARACTERISTICS	The site is comprised of two attached single storey buildings, garage and storage, constructed mainly of red brick characterized by a shallow pitched roof. They form a part of the adjoining dwelling to the east (former Athwal Cottage) with a parking area laid with gravel to the front.
CHARACTER OF LOCALITY	The site is to the west of former Post Office in the vicinity of the junction of Westergate Street and Hook Lane in a predominantly residential area with a rail track to the south and a large hard surfaced parking area to the immediate north

of the proposal site.

RELEVANT SITE HISTORY

AL/53/20/PL	Change of use from residential (C3) to shop (A1), new roof & new shop front. This application is in CIL Zone 2 (Zero Rated) as 'all other development'.	ApproveConditionally 10-09-20
AL/4/15/PL	Change of use of ancillary residential accommodation to 1 No. 1 bedroom flat.	ApproveConditionally 14-04-15

Noted.

REPRESENTATIONS

Aldingbourne Parish Council: Objection.

- The parking allocated is not sufficient for a 3-bed dwelling, and this area of Hook Lane is particularly susceptible to parked cars on the highway blocking the junction with Westergate Street. This contravenes the ANDP policy GA3.1 and 3.2, and the Arun Policy T SP1, parking standards.

No representations have been received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be discussed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Engineers Comments Regarding Surface Water Drainage: Objection.

The application is in the Lidsey Treatment Catchment where ADC are committed to preventing and reducing surface water runoff from entering the combined and foul sewer system through the adoption of SuDS techniques. It will not be possible to locate soakaways in the boundaries of the site. Not utilising infiltration due to lack of space is inappropriate, this proposal unduly prejudices drainage design and is likely to not allow for the hierarchy for sustainable drainage to be followed.

WSCC - Highways: The proposal would not have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network; subject to conditions.

NATURAL ENGLAND: The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area;
Lidsey Treatment Catchment;
HRA Buffer, Singleton and Cocking Tunnels SAC 12000m;
Class C Road.

DEVELOPMENT PLAN POLICIES**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 Aldingbourne NDP was made at Full Council on 14th July 2021 and replaces one policy (policy H1 quality of design was deleted and replaced with H1 2019), adds two new policies H1 2019 and EH2 2019 and amends three. EH12 2019 sets out policy for the Singleton and Cocking Tunnels SAC.

Relevant policies of the Aldingbourne Neighbourhood Development Plan have been considered in 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 not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality, on the residential amenities of the adjoining properties and an adverse impact on the established character of the surrounding area. Due to insufficient space to locate soakaways within the boundaries of the site this proposal unduly prejudices drainage design not allowing for the hierarchy for sustainable drainage to be followed.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site is in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and amended policy EH1 of the Aldingbourne Neighbourhood

Development Plan 2 provided it accords with other policies of the Local Plan covering such issues as visual/residential amenity, highway safety and parking. The key policies are D SP1, D DM1, D DM2, T SP1, W SP1, W DM1, W DM3 and EEC DM1 of the Arun Local Plan.

Policy D SP1 of the Arun Local Plan requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policies W SP1, W DM1 and W DM3 encourages an active use of surface water and Policy ECC SP2 expects new development to be energy efficient.

The ANDP has been made more recently than the adopted Local Plan and any conflict between policies is resolved in favour of the ANDP.

NPPF para 119 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124(d) NPPF states planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 157 NPPF states in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

The proposal would deliver one dwelling in a sustainable location, nevertheless, one dwelling would make only a minimal contribution to the shortfall in housing supply.

The proposal would result in significant harm to the visual amenities of the area and fails to reflect the characteristics of the site and local area. The development fails to follow the hierarchy for sustainable drainage. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The failure of the proposal to do this would be in direct contradiction of paragraph 124 of the NPPF and consequently the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.

DESIGN AND VISUAL AMENITY:

Policy D SP1 of the Arun Local Plan stresses that successful development should respond to local distinctive pattern of development. Paragraph 13.2.9 of the Local Plan (Design) continues insisting that development should ensure that height and massing does not interrupt or debase the rhythm of existing building/roof line or detract from the local and wider area's character. Policy D DM1 (7) expects that all development will incorporate existing and new tree planting as and integral part of the proposal.

Policy H3 of the Aldingbourne Neighbourhood Development Plan affirms the density of development shall be appropriate to its location by virtue of size, sitting and relationship to existing properties. Policy EH10 'Unlit Village' status declares that development proposals which detract from the unlit environments of the Parish will not be supported.

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the

determination of applications, was adopted 25th January 2021. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

Paragraph 130 of NPPF emphasises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- 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 do not undermine the quality of life or community cohesion and resilience.

The National Design Guide comprises a material planning consideration for the purposes of decision taking. Criterion C1 requires developments to understand and relate well to the site, its local and wider context; including the existing built development, layout, form and scale. Criterion I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criterion B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The dwelling would replace a garage and storage attached to the residential to the east, descending in their height towards detached property No 5 Hook Lane to the west. The applicant in their drawings points out at No 8 Hook Lane with a gambrel/Dutch roof (roof with a symmetrical two-sided roof with two slopes on each side) and considers it as 'a typical roof design in Hook Lane. Firstly No 8 is situated within a dominant corner position on the junction of St John Close and Hook Lane and secondly it is rather unique in the area whilst perfectly matching with surrounded development. The roof of the dwelling is not good example of mansard roof (a four-sided gambrel-style hip roof characterised by two slopes on each of its sides with the lower slope), but flat roof pretending to be a mansard roof.

Given the size, style, cramped nature and position in the street scene the dwelling would detract from the local area's character, as explained above, the relationship of the development with surrounding development would be oppressive and would result in a harm of visual amenity. The front enclosure fails to reflect the existing enclosure within Hook Lane, copying the fencing of development to the east which is in majority for a non residential uses.

The proposal conflicts with those aspects of Policies D DM1 and D SP1 of the Arun Local Plan, policies H3 of the Aldingbourne Neighbourhood Development Plan, relevant paragraphs of NPPF, the Arun Design Guide (SPD) and the National Design Guide.

NOISE & RESIDENTIAL AMENITY:

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

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 seeks to protect against the impacts of new noise generating development. It states that: "Developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required." It also emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

None of the ANDP policies refer to residential amenity issues. One of the 'core planning principles' of the NPPF is to 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 130 f).

There are no windows proposed on the side elevation, however there would be some (not direct) overlooking of the rear garden of the neighbouring property to the west from the first floor bedroom window to the rear.

Local Plan policy QE DM1 emphasises that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses. With regards to the future occupiers of proposed dwelling, the proposed bedroom 2 with an outlook at the large parking area which would have an effect their amenity in terms of noise and pollution, however, this impact is not sufficient to warrant a refusal.

The development would not have a substantial impact to users and occupiers of nearby properties and it would be in an general accord with policies D DM1 and QE SP1 of the Arun Local Plan, Arun Design Guide and para 130 of the NPPF.

HIGHWAYS & PARKING:

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

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

Policy T DM1 requires that development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Saved policy GA3 of the ANDP advocates proposals must provide adequate parking in accordance with the standards adopted at the time. Proposals that would result in a loss of parking spaces either on or off street will be resisted.

Para 110 of the NPPF 2021 states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users".

Regard should be had to para 111 which stresses: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Parking Standards Supplementary Planning Document, January 2020 states in Principle 1:

2.12 Parking provision should be sufficient to accommodate demand whilst exploiting the potential for

sustainable travel, minimizing adverse effects on road safety and avoiding increased on-street parking demand.

The plan indicates the applicant proposes to formalise the parking arrangements on site to provide 1 parking space whilst at least 2 parking spaces are required by ADC Parking Standards for 3 bed dwelling in parking behaviour zone 2.

Whilst WSCC Highways anticipate the proposal may result in some degree of overspill parking to the public highway, they do not consider that the proposal would not have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

The safety of the site complies with T SP1 of the Arun Local Plan, however the provision of parking would not comply with 3.2, of the Arun Policy T SP1, saved policy GA3 of the ANDP2 and Arun Parking Standards (SPD). However there would not be sufficient harm via unmet parking to result in harm such that a refusal is justified.

INTERNAL & EXTERNAL SPACE STANDARDS:

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

The two storey, 3 bed dwelling with a Gross Internal Area (GIA) of approximately 127sqm would exceed the minimal internal space standards set out in the Technical Housing Standards Nationally Described Space Standards (2015) which is 102sqm for a 2-storey 3bed 6 persons home.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Section H.04 deals with Residential Outdoor Amenity: 'Amenity spaces should be of an appropriate size and shape to be usable and enjoyable. Private rear gardens should have a minimum depth of 10.5m.

Regard should be had to para 130 of the NPPF 2021 which requires development has a high standard of amenity for existing and future users.

In respect of external standards, submitted drawings show the provision of insufficient rear garden space of 12.7 square metres which fail to satisfy the requirement of Arun Design Guide and comply with policies D DM1 and with the guidance in the NPPF (para. 130).

BIODIVERSITY:

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

ANDP policy EH6 states proposals must be designed to incorporate biodiversity and enhance ecological

networks to contribute to the Government's target to halt the decline in biodiversity by aiming for a net gain for nature. Policy EH12.1 2019 The Habitats Regulations Assessment (HRA) states this policy will ensure that additional protection is given to the Singleton and Cocking Tunnels SAC, where bats are known to travel long distances from their roost sites. It concludes that there must be no adverse effects on the site integrity of the Singleton and Cocking Tunnels SAC regarding the impact pathway loss of functionally linked land.

Para 180 (a) of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The site is within 12km of the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states that development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure that key features (foraging habitat and commuting routes) are retained.

The application is for a replacement of a garage and storage with no hedges, trees or grass on the site. Due to the nature of proposal and the character of proposal site a Preliminary Ecological Appraisal Report was not required.

Given the nature and extent of the application and the position of the structure there is a negligible impact on bat species.

WATER SUPPLY AND QUALITY

The site is in the Lidsey Wastewater Treatment Works Catchment Area. Policy W DM1 (ALP) states although minor developments are unlikely to raise significant flood risk, due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment.

The ANDP policy EH5.4 stresses where applicable, surface water management measures will be required for development proposals to ensure that the risk of flooding both on site and downstream is not increased. No development should be commenced until full details of the proposed surface water drainage scheme have been submitted and approved in writing by the LPA.

Arun District Council's Drainage Engineers objected proposed development stating: 'It will not be possible to locate soakways within the boundaries of the site; not utilising infiltration due to lack of space is inappropriate. This proposal unduly prejudices drainage design and is likely to not allow for the hierarchy for sustainable drainage to be followed.'

As mentioned above, the application is located in the Lidsey Treatment Catchment where ADC are committed to preventing and reducing surface water runoff from entering the combined and foul sewer system through the adoption of SuDS techniques. Irrespective of the foul sewer location (within the Lidsey Treatment Catchment), WSCC SuDS Policy states that "Surface water must not be discharged into the foul sewer system."

The site falls in Flood Zone 1 and is at low risk of flooding and as is in the Lidsey Wastewater Treatment Works Catchment Area. The applicant failed to provide a Drainage Impact Assessment, contrary to requirement policy W DM1, there was no consideration of sustainable surface water. The development conflicts with those aspects of policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan and policy EH5 of the ANDP.

CONCLUSION

The development by reason of its size and design fails to respect the surrounding character and appearance of the area, and would appear visually intrusive in an established street-scene and there is insufficient private amenity space allocated to the new dwelling. The site is not large enough to locate soakways within the boundaries of the site to prevent and reduce surface water runoff from entering the combined and foul sewer system through the adoption of SuDS techniques.

The development is considered to conflict with the development plan, particularly policies D SP1, D DM1 and W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan, Arun Design Guide and relevant paragraphs of NPPF and consequently is recommended for refusal.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The development by reason of its size and design fails to respect the surrounding character and appearance of the area and detracts from the existing pattern of development. The proposal results in an unduly cramped and unneighbourly form of development which would be detrimental to the character and amenities of the surrounding residential area, contrary to policies D SP1, D DM1 of the Arun Local Plan and relevant paragraphs of the NPPF.
- 2 The dwelling fails to provide adequate private amenity space causing harm to the amenities of future occupiers of the property contrary to policy D DM1 of the Arun Local Plan and the Arun

Design Guide 2021 and paragraph 130 of the NPPF.

- 3 The site falls in the Lidsey Wastewater Treatment Works Catchment Area. The applicant has failed to provide a Drainage Impact Assessment and there has been no consideration of sustainable surface water drainage in the development. It is unlikely it would be possible to locate soakways in the site boundaries. As a result the proposal would unduly prejudice drainage design not allowing for the hierarchy for sustainable drainage to be followed. Therefore the proposal would be contrary to policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.
- 4 **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 reason(s) 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.