

## REPORT UPDATE

Application No: AL/8/18/PL

### Reason for the Update / Changes

Reason for Update/Changes:

The first page of the officer report states under the heading "Description of Application" that :

"It should be noted that although this is an ADC application, it is not to be assumed the dwelling will become a 'Council House' and it may well be developed as market housing."

The applicant has requested that members be made aware that although the council is not obliged to use the properties as affordable housing (i.e. they will not be subject to a s106 restriction), it is the Councils intention to use them as council housing to replace some of the units lost through the right to buy in accordance with the Housing Revenue Account Business Plan which has been adopted by the Council.

Officers Comment:

There are no changes to the recommendation or conditions.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

### Recommendation Report for Planning Permission

REF NO: AL/8/18/PL

LOCATION: Land between 8 & 10 Barnett Close  
Eastergate  
PO20 3UW

PROPOSAL: Erection of 2 No. 2 bedroom dwellings with associated parking & landscaping.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

#### DESCRIPTION OF APPLICATION

The proposed flatted building will accommodate two separate flats over two floors each with two bedrooms. Each flat will have the benefit of 1 off-street parking space with a further 3 unallocated spaces available for other road users. The ground floor flat will have its own external amenity space on the eastern side. The first floor flat will have a balcony facing onto Nyton Road.

The proposed building will have two storeys and be 5.15m to the eaves and 8.9 to the ridge with two front doors at ground level facing onto Nyton Road. Also shown are timber bin stores, secure cycle sheds, hard & soft landscaping and 1.8m

high close boarded fencing. A new hardstanding area is shown on the western side and will replace the existing drying area for the adjacent flats which would otherwise be lost.

It should be noted that although this is an ADC 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                       | 0.04 Hectares.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| RESIDENTIAL DEVELOPMENT DENSITY | 50 dwellings per hectare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| TREES                           | Three large trees outside of the site on Nyton Road but separated from the site by a pedestrian footpath.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| BOUNDARY TREATMENT              | 1.8m high close boarded fencing to the boundary with 10 Barnett Close. Otherwise open.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| SITE CHARACTERISTICS            | <p>Existing informal parking area. Predominantly hardstanding but also grassed to the edges. The parking spaces are not marked out with white lines, however, it is considered that the hardstanding allows for a maximum of 3 cars to park end on to the road. It is accepted that the site could accommodate a greater number of vehicles if tandem parking were utilised or if vehicles parked on the grass on the eastern side but such arrangements would either cause conflict between car owners or result in damage to the ground surface.</p> <p>There is a pitched roof brick building on the western side which serves as cycle stores/sheds for the adjacent flats. A drying area sits on the eastern side of this with two rotary dryers.</p>                                                                                                                                                                                                          |
| CHARACTER OF LOCALITY           | <p>Residential. Predominantly two storeys. Barnett Close is a mix of semi-detached, detached and flatted dwellings. The flatted buildings on the western side and north of the site are all Council owned.</p> <p>The flatted building on the western side has 1 first floor flank window and 1 ground floor flank window, the later of which is obscured by the brick store building. None of these are considered to be principal windows. The semi-detached dwelling on the eastern side has several flank windows including 3 at ground floor, 1 at first floor (obscure glazed) and 1 between the two floors. The two flatted buildings on the opposite side of Barnett Close both have principal windows overlooking the site.</p> <p>There are no yellow lines on Barnett Close and so in addition to on-street, there are a mix on-street parking laybys and informal parking areas (like the site) which are all unrestricted and available to anyone.</p> |

|                              |
|------------------------------|
| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|               |                                                                                                                                |                       |
|---------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| AL/129/16/OUT | Outline Application with some matters reserved for the construction of 2No. 4 person 2 bedroom flats associated external works | Withdrawn<br>20-03-17 |
| AL/84/69      | 4 Houses,4 Flats,4 Stores 16 Garages And Minor Ancillary Works                                                                 | Approve<br>19-12-69   |
| AL/55/69      | Erection Of 8 Flats,8 Garages Stores Minor Ancillary Works Roads And Sewers                                                    | Approve<br>05-09-69   |
| AL/8/69       | Demolition Of 6 Properties And Redevelopment Of Site With 4 Houses,12 Flats,16 Garages And Ancillary Works                     | Approve<br>07-03-69   |
| AL/32/67      | Demolition Of 16 Existing Units & Erection Of 26 Units & Garages                                                               | Approve<br>19-05-67   |

Planning application AL/129/16/OUT was withdrawn by the applicant on in March 2017 in order to allow further consideration of the proposals by Councillors.

|                        |
|------------------------|
| <b>REPRESENTATIONS</b> |
|------------------------|

**REPRESENTATIONS RECEIVED:**

Aldingbourne Parish Council

"The Parish Council objects to this application. Please refer to policies H1 and H3, and 3.1 of the APC NDP. Currently the space is used for informal parking which will be lost. No additional parking has been provided which will impact on existing residents"

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

- (1) Loss of valued parking;
- (2) Nowhere else nearby or suitable to park (Lime Avenue is 400m away across a busy road);
- (3) Nyton Road residents park here too;
- (4) Site also used for lorries turning;
- (5) Land has been used for parking for 46 years;
- (6) Residents never previously told that the land was private and not for public parking use;
- (7) Is the land opposite also private and not available for parking also;
- (8) Parking survey carried out between 3am and 5am but not all residents work an normal 9-5 job;
- (9) Same Parking survey as before;

- (10) Barnett Close should be widened to enable better emergency access;
- (11) No. 11 Barnett Close declined a dropped kerb to access property because would result in loss of on-street space;
- (12) Impact of building works on the Close;
- (13) Impact on Barnett Close/Nyton Road junction;
- (14) Impact on sewer system;
- (15) Impact on saleability of houses;
- (16) Previous letters of objections should be taken into account;
- (17) The green part of the site is used by children for play;
- (18) Impact on local owls in the area;
- (19) Incorrect Site Notice posted; and
- (20) Loss of Washing Line Area.

## **COMMENTS ON REPRESENTATIONS RECEIVED:**

### **PARISH COUNCIL**

The Parish Council comments are noted and will be discussed in the Conclusions section. For information, the policies referred to are as follows:

H1 Quality of Design - "Proposals for new housing or extending or altering existing dwellings should be of a high quality design that reflects the local character and reinforces local distinctiveness. Proposals must demonstrate how they meet the policies set out in the Plan."

H3 Housing Density - "The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties."

H3.1 is the postamble (supporting text) to Policy H3 and states that: "To ensure that it does not harm the established character and appearance of the local area by the over development of sites giving rise to cramped and out of character developments."

### **LOCAL RESIDENTS**

Local Resident objection nos. 1 & 2 are material to this determination and are discussed in the Conclusions section. The following comments are made in respect of the other objections:

- (1) This will be discussed in the reports' conclusions;
- (2) This will be discussed in the reports' conclusions;
- (3) Noted;
- (4) Noted;
- (5) Noted. However, it remains that the land is private and has never been formally designated for parking;
- (6) Noted;
- (7) The land opposite is also owned by the Council;
- (8) Surveys were carried out at night (between 12.30am and 5am) on two separate weekdays in order to check peak demand. Vehicles parked during the day may not be residential occupiers and could potentially include visitors or employees from nearby businesses. WSCC Highways have not raised any objection to the survey methodology;
- (9) WSCC Highways have not raised any objection to the use of the previous survey;
- (10) Noted however this would not be a consideration for this application;
- (11) This would have been a decision by WSCC and is not comparable to the subject of this planning application;

- (12) WSCC Highways recognise this issue and recommend that the applicant submit a Construction Management Plan in order to minimise the impacts of construction on the local population;
- (13) WSCC Highways do not consider that the small scale development will result in harm to the operation of this junction;
- (14) Southern Water do not object to the proposal;
- (15) This is not a material planning consideration;
- (16) It is Council policy not to refer back to previous objections;
- (17) Noted. However, this is a car park with very small grassed areas on the eastern side between the hardstanding and the highway. It is not a location where the Council would consider it safe for children to play and would not therefore wish to encourage such;
- (18) The proposal does not seek to remove any buildings or trees and therefore would not result in the loss of any potential owl roosts;
- (19) There was no conspiracy involved here. It was simply a mistake and the situation was rectified two working days later; and
- (20) The washing line area is being replaced with a new area of hardstanding on the western side of the development.

In addition to the above, the applicant has issued a response to the local resident comments as follows:

"Loss of parking - There are currently 3 parking spaces on the site which will be replaced with 3 unallocated parking spaces in addition to the 2 allocated spaces, for the new flats. Therefore the only loss of parking is for visitors to the new flats which, having checked the parking demand calculator is less than half an unallocated space. The parking survey showed low parking stress in the area but the local residents are expressing concerns over loss of parking. If you feel that these concerns are valid we could make all 5 spaces unallocated which would effectively be increasing the parking on the site. Or as a last resort we could add a space where we currently have landscaping but it would be a shame to lose a future tree.

Loss of turning space - There are several turning heads available in the close, including one directly opposite the site, as shown on a satellite image.

Additional users on an already faulty sewage system - The problem reported by the residents will need to be addressed with the statutory provider (Southern Water) and details of the new connection will need to be agreed with them but this should not prevent development.

Loss of play space - The existing area is not a play space and should not be used. Thus there is no loss of play space.

Disruption during construction - Some disruption is inevitable but it will be kept to a minimum and the need for housing should override this.

Loss of washing line area - The site plan shows a new hardstanding area which is intended to be a shared drying area on the south side of the site.

Barn owl habitat - We were not aware of any ecological issues on the site but if you think this is a valid concern we can instigate the relevant surveys and incorporate mitigation as required".

## CONSULTATIONS

Southern Water Planning  
Engineering Services Manager

Engineers (Drainage)  
WSCC Strategic Planning  
Parks and Landscapes

#### **CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - No objections. Informative to be imposed to advise of the requirement to make a formal application for connection to the sewer system.

WSCC HIGHWAYS - No objections subject to conditions on parking, cycle storage, access and a construction management plan. Do not consider that the proposal will have a 'severe' impact on the operation of the highway network and therefore there are no transport grounds to resist the proposal. Comment in respect of parking as follows:

- \* The plot of land subject to this application was previously used as an off-street car parking provision.
- \* Each flat will be allocated one of the created car parking spaces;
- \* This quantity of car parking provision would be considered adequate to meet the needs of two flats of this size in this location;
- \* The remaining three spaces will remain unallocated for flexible use;
- \* It is noted that this area is private land and does not seem to have any formalised agreement for allocation of parking;
- \* As such theoretically its use for amenity parking could be withdrawn at any time;
- \* Therefore, it is difficult to give significant weight to the loss of this parking provision;
- \* However, the area seems large enough to park 3/4 cars;
- \* The proposal will result in three additional unallocated spaces being created which would mitigate for the loss of this existing provision; and
- \* The applicant has also provided the results of a car parking capacity survey which indicates there is significant on-street car parking provision available within the vicinity of the site.

ADC LANDSCAPE - No objection. No perceived landscape impact. Open space on site is not a consideration but development of any kind should consider greening to add to the proposal and to enhance the setting. Indicative landscaping has been shown but a detailed landscape scheme will need to be proposed to maximise the biodiversity of the site. Existing vegetation should be protected during construction but there are no tree protection issues associated with the site.

ADC DRAINAGE ENGINEERS - No objections subject to imposition of condition ENGD2A.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

|                       |
|-----------------------|
| <b>POLICY CONTEXT</b> |
|-----------------------|

Designations applicable to site:

Within Built Up Area Boundary;  
Class A Road; and  
PD Restriction.

#### **DEVELOPMENT PLAN POLICES**

[Arun District Local Plan \(2003\):](#)

|       |                                 |
|-------|---------------------------------|
| GEN2  | Built-up Area Boundary          |
| GEN7  | The Form of New Development     |
| GEN9  | Foul and Surface Water Drainage |
| GEN12 | Parking in New Development      |
| GEN33 | Light Pollution                 |

Publication Version of the Local Plan (October 2014):

|                                              |
|----------------------------------------------|
| D DM1 Aspects of Form and Design Quality     |
| D DM2 Internal 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...

Aldingbourne Neighbourhood Plan 2016 POLICY EH6

Surface Water Management

Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2016 POLICY EH10

Unlit village status

Aldingbourne Neighbourhood Plan 2016 POLICY GA1

Promoting Sustainable movement

Aldingbourne Neighbourhood Plan 2016 POLICY GA3

Parking and new development

Aldingbourne Neighbourhood Plan 2016 POLICY H1

New housing or altering dwellings

Aldingbourne Neighbourhood Plan 2016 POLICY H2

Quality of Design

Range of house types

Aldingbourne Neighbourhood Plan 2016 POLICY H3

Housing Mix

Housing density

Aldingbourne Neighbourhood Plan 2016 POLICY H6

Within built up area boundary

Aldingbourne Neighbourhood Plan 2016 POLICY H8

Windfall sites

Dwellings must have adequate private or shared amenity.

Outdoor space

**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.

A new local plan is in preparation and is 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.

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. 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).

The relevant policies within the Aldingbourne Neighbourhood Development Plan have been considered in the preparation of 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 an urban and predominantly residential area. It is defined as being part of the built up area boundary area in both the Arun Local Plan (ALP) and the more recent Aldingbourne Neighbourhood Development Plan (NDP). Both ALP policy GEN2 and NDP policy E1 permit development in the built up area provided that they comply with the other policies of the respective plans. The proposal is therefore acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is also noted that the 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.

#### **HIGHWAYS & 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.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 3 spaces as based on 1 allocated space per flat and 3 unallocated spaces. The proposal also includes cycle storage sheds.

NDP policy GA3 states that: "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." Compliance with the Parking Demand Calculator means that the proposal accords with the first part of this policy.

In respect of the second part of GA3, the proposal will clearly result in the loss of an existing off-street parking area suitable for the parking of 3 cars. However, this is considered to be acceptable as this is private land, is not formally laid out for parking and could be closed off at any time. Furthermore, the proposal will include 3 unallocated parking spaces to compensate for the spaces to be lost and therefore, there would be no net loss of parking spaces within the street.

The applicant has submitted a Parking Demand and Capacity Report which states that only 1 car was recorded parked on the site during both of the night time surveys. It is acknowledged that local residents consider that the number parked during the day may be greater due to persons working nights. The planning officer has visited the site twice in connection with these proposals. The first time was late afternoon on the 15th December 2016 when only 1 car was parked there. The second was late afternoon on the 12th February when two cars were parked on the hardstanding and a third on the grass on the eastern side.

The submitted Parking Demand and Capacity Report also notes that within a 200m walk from the site there were found to be 214 unrestricted parking spaces of which 26 were occupied at the time of the survey (worst case) representing a 12% occupancy level. Therefore, at the time of the survey, there were 198 unrestricted parking spaces available for use by the local population. It is accepted that access to some of these spaces would require crossing Nyton Road but there is a pedestrian traffic island crossing just east of the junction.

The application has been assessed by WSCC Highways who have carefully checked the submitted documents and consider that there is a significant amount of existing on-street parking spaces in the vicinity of the site, that the proposed 3 unallocated spaces would mitigate for the loss of the car park and that there are no highway grounds to resist the proposal.

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

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

#### CHARACTER, DESIGN & RESIDENTIAL AMENITY:

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Aldingbourne Neighbourhood Plan (ANP) policies H1 and H3 are both relevant. H1 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, H3 states that the density of new development should be appropriate to its location by virtue of size, siting and relationship to existing properties.

It is noted that the density of the proposal is 50 dwellings per hectare and this would appear to be quite high however, a two storey house of similar proportions on this plot would only have a density of 25 to the hectare. It is also noted that there are other two storey flatted buildings on Barnett Close including the building immediately to the west as well as two flatted buildings opposite.

The submitted site section demonstrates that the proposed building will have a broadly similar overall height to the adjacent properties and an eaves height the same as the building to the east. Furthermore, the proposed building does not fill the whole plot leaving 4.4m to the boundary on the eastern side and 2.35m to the single storey storage building on the western side. The area to the rear of this storage building will then be turned into a replacement drying area. The proposed building also has a building line broadly the same as those either side.

The building has been designed with front doors on the southern elevation so as to front onto the verge on the northern side of Nyton Road in the same way as the houses to the east. However, the rear (northern) elevation will contain windows and thus have a presence also in the Barnett Close street scene.

Due to the siting of the building within an existing gap in an existing building line with existing buildings to each side, it is considered that there will be no adverse impacts on any neighbouring buildings. The proposal includes no first flank windows and therefore there is no potential for overlooking of existing neighbouring first floor flank windows. Any views from proposed ground floor flank windows will be screened out by either new boundary fencing or the existing building on the western side. It is noted that none of the local objectors have made reference to privacy or loss of light issues. The first floor balcony faces south across the road. It will also allow views to the side over the front garden of 10 Nyton Road but this is acceptable as this front garden is not an enclosed private space.

It is considered that the proposal would be in accordance with policy GEN7 of the ADLP and policies H1 and H8 of the NDP.

#### INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The requirement for single storey, 2 bed, 4 person dwellings is 70m<sup>2</sup>. The ground floor flat will provide a general internal area of 74.3m<sup>2</sup> whilst the first floor flat has 81m<sup>2</sup>. Therefore both flats comply with the requirements.

In respect of external garden standards, the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy. However, policy H8 of the NDP states that "All new dwellings must include an outdoor amenity space of adequate size and quality, either as a private garden or shared amenity area." The proposal was drawn up in order to comply with the requirements of Policy D DM3 with the ground floor flat having a 23m<sup>2</sup> garden area far exceeding the 5m<sup>2</sup> standard, and the first floor flat having a 5m<sup>2</sup> balcony. As the proposal would have complied with policy D DM2, it is considered that the external spaces are of a size and quality such that there would be no conflict with NDP policy H8.

#### SUMMARY:

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenities/character of the area, highway safety or the amenities of existing nearby residential occupiers. The development of this site will result in the loss of informal unauthorised parking for 3 cars but this is compensated by the inclusion of 3 new unallocated spaces in addition to the allocated spaces for the new flats.

The proposal is considered to be sustainable development and notwithstanding that it complies with all development plan policies, it therefore benefits from the presumption in favour of development set out

within the NPPF. The recommendation to approve is therefore made 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 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

- \* Drawing 16/021 40 Rev H "Location Plan & Proposed Site Plan";
- \* Drawing 16/021 41 Rev B "Proposed Plans & Elevations"; and
- \* Drawing 16/021 42 Rev B "Site Section".

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 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.

- 4 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the condition relates to the site set up before and during construction.

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No part of the development shall be first occupied until the car parking has 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 in accordance with Arun District Local Plan

Policy GEN12 and the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until such time as the vehicular access, dropped crossing, and footway works have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with the National Planning Policy Framework.

- 9 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 10 INFORMATIVE: 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](http://www.southernwater.co.uk).
- 11 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 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.