

**Recommendation Report for Planning Permission****REF NO:**      **AW/139/14/PL****LOCATION:**    Former St Michaels and All Angels Church  
                  Queens Fields East  
                  Aldwick**PROPOSAL:**   Application for the variation of Condition 2 following a grant of planning permission AW/295/10/ to show 6 No additional parking spaces.**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                     |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above. Following continued concerns by local residents that the site layout includes an insufficient amount of off-street car parking, the developer has managed to make some amendments so as to provide 6 additional parking spaces. These are located in 3 parts of the site. |
| SITE AREA                             | 0.23 hectares (no change from AW/295/10).                                                                                                                                                                                                                                           |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 44 dwellings per hectare (no change from AW/295/10).                                                                                                                                                                                                                                |
| TOPOGRAPHY                            | Predominantly flat.                                                                                                                                                                                                                                                                 |
| TREES                                 | A Tree covered by a Tree Preservation Order is on the western boundary.                                                                                                                                                                                                             |
| BOUNDARY TREATMENT                    | Currently enclosed by temporary Heras style fencing.                                                                                                                                                                                                                                |
| SITE CHARACTERISTICS                  | Currently a building site enclosed by temporary fencing and containing plant & equipment associated with the implementation of the houses as approved by AW/295/10.                                                                                                                 |
| CHARACTER OF LOCALITY                 | A mixture of bungalows in Queens Field East & houses in Queens Field West. Shopping precinct with flats above to the side of the site and a community hall to the rear.                                                                                                             |

**RELEVANT SITE HISTORY**

|            |                                                                                                                      |                                    |                 |
|------------|----------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------|
| AW/23/09/  | Internal and external alterations. Construction of new mezzanine floor                                               | ApproveConditionally<br>18-05-2009 |                 |
| AW/295/10/ | Demolition of existing church and erection of 10 No. New terraced houses with associated car parking and landscaping | Refused<br>09-03-2011              | <i>Appealed</i> |

|               |                                                                                                                                                           | <b>Appeal:<br/>Allowed+Conditions<br/>21 07 2011</b> |                 |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-----------------|
| AW/39/12/DOC  | Application for approval of details reserved by conditions 3, 7 & 8 relating to planning approval on appeal AW/295/10/                                    | DOC Approved<br>11-04-2012                           |                 |
| AW/198/13/NMA | Application for a non material amendment following a grant of planning approval AW/295/10/ for amendments to the approved elevations                      | Approve<br>10-10-2013                                |                 |
| AW/199/13/DOC | Application for discharge of condition 3 of previously approved planning application AW/295/10 - materials                                                | DOC Approved<br>11-10-2013                           |                 |
| AW/340/13/    | Application for the variation of condition 2 following a grant of planning permission AW/295/10/ to increase the number of bedrooms within each unit by 1 | Refused<br>12-03-2014                                | <i>Appealed</i> |

AW/295/10 was granted on appeal and allowed for the erection of 10 no. new terraced houses with associated car parking and landscaping. There have been two applications submitted so far to discharge the conditions relating to materials (03), hard & soft landscaping (07) and protected species (08). A non-material amendment application was submitted in August 2013 and sought to amend the elevations approved by AW/295/10. This was granted in October 2013.

Application ref AW/340/13 was submitted in December 2013 and sought to vary the plans condition in respect of the approved floor plans so as to increase the number of bedrooms in each dwelling. This was refused in March 2014 and an appeal is currently with the Planning Inspectorate. The application the subject of this report has been submitted in part response to that refusal.

## **REPRESENTATIONS**

### **Representations received:**

Aldwick Parish Council

Aldwick Parish Council - Members have no objection to the application. However, members requested that the developers ensure that cars coming from the two end parking spaces do not traverse the walkway and that the mound at the back of the site, which prevents flooding, be left intact.

### **Comments on Representations received:**

Comments noted. It is assumed that the walkway mentioned is the footpath outside of the site, between the boundary and 16 The Precinct. If so, then there is no right of access across this.

## **CONSULTATIONS**

Arboriculturist

WSSC Strategic Planning

**Consultations responses received:**

WSCC Highways - WSCC raise no objection to the variation of condition 2 following a grant of planning permission AW/295/10 for 6 additional parking spaces, as per the plans and drawings submitted P101. The proposal to increase the number of car parking spaces from 12 to 18, is in line with WSCC maximum parking standards.

Arun DC Arboricultural Officer - There is one tree of real significance on this site - London Plane T11 - and a lot of smaller ornamental tree species which collectively have a value as well. The applicants have employed The Mayhew Consultancy who have prepared a good Arboricultural Impact Assessment Report covering the protection of these trees and I would be happy with this provided that their report is made the subject of a Planning Condition such that the developer is obliged to comply with its recommendations and furthermore employ Mr Mayhew to come out and supervise the installation and monitoring of the protective measures.

Overall, I have been disappointed with the enforcement of the arboricultural recommendations during the main build process and personally witnessed out on site the damage that has been done to these trees. My latest site visit only confirms this - I saw evidence of compaction all around the new building and an excavator parked on the ground which The Mayhew report specifies should receive ground protection within the RPA of the London Plane T11. Whilst I am therefore happy with the level of Arb input in respect of reports submitted I am less than satisfied with the fact that no site supervision and monitoring has been Conditioned and thus the developers have already done the damage and this is simply 'ticking a box'.

**Comments on Consultation responses:**

Comments noted. Conditions will be imposed in respect of the arboricultural concerns.

**POLICY CONTEXT**

Designations applicable to site:

Within the Built Up Area;  
Tree Preservation Order; and  
Open Plan Condition.

**DEVELOPMENT PLAN POLICIES**

Arun District Local Plan 2003: [GEN2](#)  
[GEN7](#)  
[GEN12](#)

Built-up Area Boundary  
The Form of New Development  
Parking in New Development

[Publication Version of the Local Plan -  
Excluding the Spatial Portrait, Employment,  
Housing Allocations, Transport, Monitoring and  
Implementation sections \(February 2014\):](#)

SD SP2 Built -Up Area Boundary  
D DM1 Aspects of Form and Quality  
ENV DM4 Protection of Trees

**PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

**POLICY COMMENTARY**

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

#### **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**

### **PROPOSAL, PRINCIPLE & PLANNING HISTORY**

This application proposes an amendment to the previous approved scheme but only in respect of 6 new parking spaces. There are no changes to the building either internally or externally. The 6 extra parking spaces are entirely located within the site and have been proposed in part response to the refusal of AW/340/13. The applicants consider that if this application is approved then one of the reasons for refusal on AW/340/13 will no longer apply - and that this will assist the appeal process. The extra 6 car parking spaces will also ease the concerns of residents and this is reflected by the lack of any objections from the local community.

This site is within the built up area boundary and has an approved planning permission for 10 houses. The principle of further car parking spaces is not considered to be in doubt and so the only issues are the effect on the character & appearance of the site and the impact on trees.

### **HIGHWAYS & PARKING**

West Sussex County Council did not raise objection to the previous amount of parking proposed. Their comments this time around reflect that. They do state however that the new amount of parking (18 spaces) does not exceed their maximum standards.

### **CHARACTER & APPEARANCE**

The new parking spaces are proposed on ground that was previously proposed to be grassed amenity space. However, the site is currently a building site and so the land on which the extra cars are to be parked is currently bare earth and so there is no actual loss of any existing green spaces. There is also no impact on the amount of private rear garden space. The new spaces have been spread out around the site in three groups of two. This further reduces their impact by ensuring that the amount of hard standing is broken up by green space.

### **IMPACT ON TREES**

The Council Arboriculturist has assessed the proposals and analysed the submitted Arboricultural Impact Assessment Report. It is not considered that there will be any impact on the trees and no objections are raised subject to appropriate conditions.

### **SUMMARY**

This application seeks to enhance the current scheme through the addition of 6 new off-street parking spaces. The local residents have previously stated their concerns about the low amount of off-street parking and their lack of any representation on this scheme confirms their support for the extra spaces. It is not considered that the extra spaces result in any impact on the highway, the trees or the appearance of the site. Therefore, permission should be granted subject to the following replacement/additional 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 approved shall be carried out in accordance with the following approved plans:

Site Location Plan Ref P100 (April 2014) - this replaces that approved by AW/295/10;  
Proposed Site Plan Ref P101 (April 2014) - this replaces that approved by AW/295/10;  
Proposed Building Plans Ref 1.03 Rev B (24/11/10) - this was approved by AW/295/10;  
and,  
Proposed Elevations Ref E01 (August 2013) - this was approved by AW/198/13/NMA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 2 The existing trees/bushes/hedges within the site which are to be retained shall be protected in accordance with the recommendations of the submitted "Supplementary Arboricultural Report" by The Mayhew Consultancy (Ref AR/21313 - March 2014) for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, ecological quality and the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The tree protection measures as set out in the submitted "Supplementary Arboricultural Report" by The Mayhew Consultancy (Ref AR/21313 - March 2014) shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree protection in the interests of amenity.

- 4 INFORMATIVE: All of the conditions imposed by the planning inspector on AW/295/10 shall remain in force except for condition 02 which is amended by this permission.
- 5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.