

Recommendation Report for Planning Permission

REF NO: A/102/22/PL

LOCATION: Land rear of Oakhurst House
and Huntington House
West Drive
Angmering

PROPOSAL: 1 No new dwelling. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a traditionally designed two storey detached house, with parking area to the side. The house will have 4 first floor bedrooms, a kitchen, living room, dining room and utility room at ground floor level. 3 car parking space and a small garden shed/cycle store.
SITE AREA	The house has a floor area of 128sqm. The site area is 370 sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	27 dwellings per hectare.
TOPOGRAPHY	The site rises from the road. South to North. The house will sit above road level at a similar level to the Annex to the west.
TREES	There are trees to the north, east and south of the site. The house is positioned on the plot to sit outside of the canopy / RPA of the trees. A detailed arboricultural report forms part of the application. The site is included within TPO/A/1/06.
BOUNDARY TREATMENT	Close boarded fenced on the north, east and west boundaries.
SITE CHARACTERISTICS	The application site is a plot on a short no through road leading to the eastern boundary of the Rustington Golf Centre. Already fenced on three sides, it has the appearance of a vacant plot with mown grass and boundaries. There is a rise from the road with a similar typography to Victoria Cottage and Annex, a two storey house and annex to the west of the site. The annex has a single high level window to the east. There is a low timber shed sited behind the annex. To the north is Huntington House. The site will have a sloping verge similar to the property to the west.
CHARACTER OF LOCALITY	The character of the area is suburban, Ham Manor is a private estate bordered by open land to the south and beyond Ham Manor Barn and Victoria Cottage to the west, Rustington Golf Course and activity centre to the west. The outside elements of the activity centre are visible from the access road serving the application site. East of the site is an area of

verge.

The area is typified by large detached properties of predominantly traditional designs and styles. The wider street scene is characterised by large dwellings set within spacious plots.

To the east of the site is Victoria Cottage, a two storey tile hung, semi detached house with tiled roof. Attached to Victoria Cottage to the north is a similar semi-detached house both have east facing rear gardens backing on the application site.

Immediately adjacent to the west of the application site is a detached two storey annex to Victoria Cottage, granted consent in 2017. This is illustrated and identified on the streetscene drawing as an existing house.

North of the site, is the back garden serving 1 West Close and Huntington House, a large detached house with a long back garden (21m to the boundary with the application site).

None

REPRESENTATIONS

Angmering Parish Council; no comment

1 letter of representation

- concerned that the development will block light to the rear garden of Huntingdon House which is already shaded by trees with TPO's.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection.

WSCC Highways - No Objection. Conditions and informative requested.

Parks and Landscapes- 13.09.22 No Objection, condition proposed

Environmental Health - 14.09.22 Condition suggested

Arboriculture Officer - 15.09.22 Comments received, the general 'principle of development' as described is achievable without undue detriment to retained trees although important information necessary to secure that is outstanding. Recommended condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Appropriate conditions have been imposed.

Consideration has been given to the comments made by the Council's Arboriculturist and the recommended condition attached.

POLICY CONTEXT

Outside built-up area C SP1
TPO/A/1/06

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary
 Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation
 Angmering Neighbourhood Plan 2014 POLICY HD4 Materials
 Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form
 Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design
 Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
 Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments
 Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
-------	---

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, Made Neighbourhood Development Plans and the Arun Design Guide.

The Angmering Neighbourhood Plan (ANP) has been made and policies HD1 Built Up Area Boundary, HD2 Parish Housing Allocations HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design, HD7 Housing Density, HD8 Parking for New Developments, are considered relevant in the determination of this application.

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 the site lies outside the BUAB. This report deals with the departure aspect of the proposals.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Arun Local Plan 2011-2031 (ALP), the Angmering Neighbourhood Development Plan (ANDP 2015), the South Inshore & South Offshore Marine Plan and the West Sussex Waste and Minerals Plans.

Paragraph 14 of the NPPF states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

The Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. On the basis of the AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land.

Arun Local Plan

Policy C SP1 states residential development outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. The proposal conflicts with policy C SP1.

Arun Design Guide

Section A.05 of the Arun Design Guide emphasises the need to promote good design, it goes beyond the appearance of individual buildings and is about how a place is shaped, how it will be lived and experienced.

Section J.01 of the Arun Design Guide outlines that built form and character varies considerably throughout the Arun District as a whole and in the settlement character areas identified in Section C.05 of the Design Guide. Section J.02 (scale and mass) ensures that the scale and massing of development responds to the existing townscape and landscape. The appropriate scale for new buildings should be

determined by their context, their location within the order of streets, and their function and positioning, and should avoid overshadowing of neighbouring properties.

Angmering Neighbourhood Plan

The site is outside of the built-up area of Angmering (as defined by the Local Plan and Neighbourhood Plan) in the Character Area Ham Manor, an area identified as historic parkscape in the ANP, in a location that is not allocated for housing. Policy H SP1 establishes strategic housing, parish and town allocations - this site is not identified.

The made Angmering Neighbourhood Plan (2014) contains the following policies that are relevant to in this instance:

Policy HD1 - Built Up Area Boundary.

Whilst the site is within the designated Countryside, outside the BUAB, it has the appearance of a vacant plot and is within an established residential private with neighbouring dwellings immediately to the north and west, the nature of the proposal is considered acceptable in principle in this location, subject to accordance with other Development Plan policies.

The National Planning Policy Framework (NPPF)

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Part (i) does not apply to this determination as the site does not lie in a protected area. In this instance the proposals meet the requirements of the part (ii) test, there are no adverse impacts that would outweigh the benefit of providing an addition unit of accommodation.

LANDSCAPE AND TREES

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respect the characteristics and natural features of the relevant landscape character areas and aims to reinforce or repair the character of those areas.

Policy D SP1 requires development proposals reflect the characteristics of the site and local area in landscaping proposals. Policy ENV DM4 states TPO protected trees should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland.

The site lies within an existing residential area screened from the south by a bank of trees. The proposals are in character with the area, given the number of existing trees no further tree planting would be required.

The proposed house will sit close to the parking under the canopy of existing trees.

The application includes a Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement in Tree Protection Plan In Accordance with BS 5837:2012.

The report includes the following reference:

Post Planning Permission - Subject to achieving Planning Permission, a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This will include the following: fencing type, no-dig specification, service and drainage proposals, access facilitation pruning specification, project phasing and an extensive auditable monitoring schedule

The Council's Tree Officer has recommended an appropriate condition.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The site is mown grass akin to a garden, the Planning Statement indicates it is the intention to provide a bird box at eaves level on the east elevation, an appropriate condition can be imposed to secure this. The opportunity to increase biodiversity and mitigation measures will be secured via conditions.

VISUAL AMENITY AND CHARACTER OF THE AREA

Arun Local Plan policy D DM1 lists a series of factors that development must comply with - these include character, impact and public realm. The proposed house will be slightly closer to the road frontage than the annex to the west with steps leading up the front door.

The proposed materials are identified in the Planning Statement. The design is traditional in appearance with plain tile shallow hipped roof and brickwork with an area of render. This is in keeping with properties in the immediate area. The design, appearance and form of the dwelling would reflect other properties in the area.

The height of the dwelling, 7.5m to ridge, 5m to eaves, will be comparable with the neighbouring annex to the west, which is slightly lower (6.9m) than the proposed house but also two storey. The property design is traditional, and the use of differing materials provides visual interest.

In this respect the proposal would accord with policies HD5 and HD6 of Angmering Neighbourhood Plan and meets the standard of design referred to in policy D DM1 of Arun Local Plan.

RESIDENTIAL AMENITY

The proposed dwelling would provide adequate separation distances sufficient to prevent any materially adverse overbearing or overlooking effects to neighbouring occupiers.

The proposal would not adversely impact on the residential amenities of adjoining properties. No windows are proposed at first floor on the western side elevations. Two of the first-floor windows in the north elevation facing neighbours' gardens will serve bathrooms the other serving a bedroom.

Given the orientation and distances between neighbouring properties, the introduction of windows at first floor on the north elevation will not give rise to unacceptable loss of amenity. The parking area is not adjacent to neighbouring occupiers.

The distances involved and the existing trees in neighbouring gardens mean that the proposed house will

not result in an adverse loss of light to Huntington House.

Arun Local Plan Policy D DM1 (3) indicates that development will should take impact on adjoining occupiers, land, use or property, into account. None of the ANDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

The proposal would be in accordance with policy D DM1 of the ALP and the guidance on residential amenity within the National Planning Policy Framework and would not give rise to an unacceptable loss of amenity for neighbouring occupiers. As the external amenity space is to the lower end of the recommended scale, to prevent any potential under provision a condition is recommended to require an application for outbuildings where one would not be required. The condition also includes the provision of dormer windows given the rear orientation of the proposed property in relation to the private amenity space of neighbouring properties.

INTERNAL AND EXTERNAL SPACE STANDARDS

ALP policy D DM2, requires the proposals be assessed against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if buildings will be suitable for residential use. The proposal complies with National Internal Space Standards exceeding the requirement of 115sqm.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth.
- Private Front Garden: min. 2m depth.

The house will have a 7m front space between the house and access road. The rear garden is irregularly shaped, the deepest part achieving 10.5m. This is acceptable, the Design Guide allows for a flexible approach, the garden is wider than it is deep. Although smaller than some neighbouring plots the design and layout will provide a good standard of amenity for future occupiers.

ACCESS AND PARKING

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

ANDP policy GA2 states support will be given to proposals that improve walking & cycling routes whilst GA3 requires parking be provided to meet current standards. Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "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."

WSCC Highways have not objected to the application and have recommended suitable informatics. The Arun Parking SPD requires 3 allocated spaces and cycle storage. The application includes details of both.

FOUL DRAINAGE:

ALP policy W DM1 and ANDP policy EH5 seek to ensure new developments are served by sufficient foul drainage systems. The application confirms connection to the mains sewer.

TELECOMMUNICATIONS

ALP policy TEL SP1 and ANDP policy EE8 state all proposals for new residential development must be designed to be connected to high quality communications infrastructure. These policies will be adhered to by means of a condition to require evidence of such a connection before the homes are occupied.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

Aside from referring to an EVCP the application documents do not specifically address these policies; it is appropriate to impose a condition to demonstrate the development will achieve energy efficiency measures that reflect the standards applicable at the time of submission and includes the use of renewable energy supply systems. A condition will be imposed requiring an electric vehicle charge point.

CONCLUSION

It is considered that this application, whilst being located outside the BUAB, is acceptable. It is therefore recommended for approval 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.

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

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 and details

Streetscene and Site Cross Section 22-20120-02B

Floor Plans and Elevations as Proposed 22-20120-01A

Site Layout as Proposed 22-20120-03B

Materials as per email dated 12.09.22 and MBH Hampshire Stock Data Sheet.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or dormer windows to the dwelling house shall be constructed or additional buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy of adjoining occupiers, maintain adequate private amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 4 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place, the applicant must submit a detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to the Local Planning Authority for approval. Written confirmation of acceptance of both AMS and TPP must be issued before any works are commenced on site.

Reasons: To comply with BS5837:2012 and ensure the retention and protection of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission

- 5 The dwelling shall not be occupied unless and until the bird box on the eastern elevation is installed in order to secure biodiversity net gain . The bird box shall be completed on site prior to occupation of the dwelling and the approved details and retained thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 6 The dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems including full details of solar panels or air source pumps. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun.

- 7 Prior to the occupation of the dwelling a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved details and site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T DM1 of the Arun Local Plan.

- 9 The development not be occupied until the shed shown on the approved plans to provide secure cycle parking spaces has been provided. The facilities shall thereafter be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policies T SP1 of the Arun Local Plan.

- 10 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 12 INFORMATIVE: The applicant is advised to contact the proprietor of West Drive to obtain formal approval to carry out the site access works on the private lane. Part of West Drive is recorded as Public Right of Way (PROW) footpath no. 2156. The applicant must take the following advice into consideration during/after the constructions works: Safe and convenient public access is to be available at all times across the full width of the PROW. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.

Access along the PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right. If the path surface is considered damaged as a result of the development, then the applicant may be required re-surface the path to a standard satisfactory to West Sussex County Council's Rights of Way team.