

Recommendation Report for Planning Permission

REF NO:	A/110/21/PL
LOCATION:	BMW House Chandlers Garage Ltd Water Lane Angmering BN16 4EH
PROPOSAL:	Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works. This application affect the character & appearance of the Angmering Conservation area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application is for the erection of 33 retirement apartments (independent living) and a convenience store providing 376 square metres of retail floor-space within a single building, together with the provision of 38 car parking spaces and communal space, following the demolition of the existing commercial buildings and a house ('Phares Courtledge') that currently occupy the site. Vehicular access to the site would be from Water Lane, with pedestrian access onto High Street and Water Lane.
SITE AREA	0.44 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	75 dwellings per hectare.
TOPOGRAPHY	Predominantly flat with a gentle rise in height to the south west corner. The site has embankment walls to the south and east sides and subsequently the land to the south and east is at a substantially higher level in height than the application site.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site is open to its boundaries, however on the eastern and southern sides the site is bounded by embankment cuttings of up to 4.0 metres in height.
SITE CHARACTERISTICS	The site is situated in the centre of Angmering Village and was previously used as showrooms, workshops, offices and ancillary accommodation by a car dealership (Chandlers BMW) which has re-located elsewhere within the district. The site is bordered by two roads: by Water Lane to the north and by High Street to the west; and to the south and east by existing residential development. The part of the site facing High Street is located within Angmering Conservation Area;

and a Grade II Listed Building, 'Eachways' is located adjacent to the site. The site is irregularly shaped. In general, the whole site is reasonably level, having extensive retaining wall boundaries to the eastern and southern boundaries which will be fully exposed once the site is cleared of the existing structures. This is compared to the High Street which rises in a roughly easterly direction from The Square. The Water Lane frontage is open to the road and footpath with two existing access points. This frontage is made up of the existing single storey showroom buildings (with a two storey building behind) and covered car sales areas with views through to the development land beyond as well as the rears of the stepped houses of Cumberland Crescent.

CHARACTER OF LOCALITY

The site is in a predominantly residential area. It is bounded to the south west by High Street with a variety of shops and services.

RELEVANT SITE HISTORY

A/45/19/PL	Demolition of existing buildings (car show room, workshops and Phares Courtledge) and erection of 19 dwellings, a convenience store, a community building, public toilets and associated car parking and landscaping - This application affects the character and appearance of the Angmering Conservation Area.	Refused 28-05-20
PAA/141/20/	Retirement Living Apartments And Retail Store.	Refuse Pre App 12-03-21

Planning application A/45/19/PL was refused due to the lack of affordable housing and insufficient car parking provision; and a pre-app (PAA/141/20/) was refused due to the lack of car parking provision.

REPRESENTATIONS

ANGMERING PARISH COUNCIL

Object.

- Density, massing and design of building is out of character with surroundings and would be over-development.
- The proposed building would be harmful to the character of the Conservation Area and 2 Grade II Listed Buildings.
- The convenience store would contribute to over-development of the site.
- Parking provision for the store does not meet parking standards and does not provide additional short-term parking spaces for shoppers using the core retail area as required under Policy HA3 of ANP.
- The convenience store should be removed and be replaced by public car parking on the site.
- Work needed to demonstrate safe pedestrian access to site from convenience store (Policies HA3 & TM2 of ANP).
- Footway should be widened at western end; dropped kerbs, tactile paving & pedestrian refuge in High

Street at pedestrian entrance to the east of 'Eachways'.

- Proposed financial contribution towards affordable housing rather than on-site provision contrary to Policy AH SP2.
- Financial contribution should be ring-fenced for the Angmering CLT to support 12 dwellings at Mayflower Way.
- Contributions should be secured from the applicants to improve healthcare provision for older people.

10 letters of objection on the following grounds:

- The proposal constitutes over-development of the site.
- The proposal should be scaled down and include more open space and landscaping.
- Consider the cumulative impact of this proposal plus the strategic housing sites and proposal on the Golf Course.
- The white rendered units are unsympathetic and unacceptable in the Conservation Area.
- The large patio doors and balconies overlooking The Square are unsympathetic and unacceptable.
- Large gables are not compatible with houses in The Square.
- Elevations with flint and brick quoins and window dressings should face The Square, not Cumberland Road.
- The proposed electrical sub station and air pump unit are very close to a house on Cumberland Crescent.
- Confirmation is required that the retail deliveries would not be made at night.
- A condition is required limiting hours of construction.
- Would a retaining wall be built along the back gardens in Cumberland Crescent?
- Insufficient car parking spaces are proposed for residents and shoppers (i.e. 26 spaces for 33 apartments).
- Cars would be parked on the highway causing interruption to the flow of traffic through Angmering.
- Has the developer taken into account designated access for emergency vehicles?
- 12 cars already parked on the site, and cars park on Water Lane, Cumberland Road and Cumberland Crescent.
- There should be 1 allocated and numbered parking space and 1 EV charging point per apartment.
- A pedestrian crossing point is required outside the retail store.
- There is no need for more shops in Angmering.
- What impact would the retail unit have on the apartments in terms of noise and vehicular movements?
- If the proposed shop has late opening times this could have quite a negative impact on local residents.
- The retail development should not open all hours.
- The retail development should have an off-road unloading bay.
- The retail development could undermine the established local shops in the village.
- Noise and light intrusion from the retail development should be minimised to neighbouring residents.
- An off-licence would not be desirable in this location.
- Will there be communal garden?
- The closure of walkway to rear of 'Eachways' would force pedestrians to use the narrow pavement on High Street.
- No provision is proposed for solar panels or ground source heat pumps.

The Arun District Conservation Area Panel objects on the following grounds:

- The use of uPVC windows is inappropriate.
- Windows should be timber painted, sash windows with traditional opening mechanisms and proportions.
- Large scale drawings of eaves, bargeboards, fascias, shopfronts & window designs should be submitted.
- The use of flint panels can be successful, but sample panels should be provided for inspection by the LPA.
- Natural roof slates should be used.
- The proposed terrace fronting High Street is too long & repetitive and borders on monolithic in

appearance

- A shorter terrace of simple, but high quality design similar to the Water Lane frontage would be better.
- The building fronting High Street would sit forward of 'Eachways', and its ridge height would be higher.
- The proposed building would have an overbearing effect and adversely affect the setting of 'Eachways'.
- The proposed development fails to protect heritage assets and protect and enhance local distinctiveness.

18 letters of support on the following grounds:

- The development would make good use of a vacant (brownfield) site that has been left neglected for far too long.
- The design and materials are sympathetic to the area.
- The development would blend in with the surrounding buildings.
- The development would cater for those wishing to move into retirement housing.
- The exclusion of public toilets is supported. There is no place for public toilets in a residential development.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

The Road Safety Audit issues i.e. when in use, the proposed delivery bay would restrict emerging vehicle visibility; and insufficient inter-visibility (pedestrian / vehicle conflict) near the Goods Delivery Bay and crossing to the car park), have been resolved and are in the process of being signed-off. The crossings on Water Lane and High Street have been agreed.

WSCC FIRE & RESCUE SERVICE:

No objection.

Further information is required showing that all parts of all dwellings are within 45 metres of a fire appliance or a dry riser outlet. Any dwelling that is more than 45 metres away would need to be mitigated by the installation of domestic sprinkler or water mist systems; but this would be covered by Building Regulations.

ENVIRONMENT AGENCY:

No objection subject to the inclusion of conditions relating to the submitted Flood Risk Assessment, contaminated land, drainage systems for the infiltration of water, and piling works.

SOUTHERN WATER:

No objection.

The exact position of the water mains and surface water sewer within the site must be determined by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Conditions should be imposed. Southern Water requires an application for a connection to the public foul sewer to be made by the applicant.

ADC DRAINAGE:

A holding objection is raised to this application.

It has not been evidenced that the proposed layout can be adequately drained in accordance with policy

requirements. Surface water drainage must be considered at the earliest opportunity and form part of the layout development process. Leaving drainage design until after a layout has been agreed will likely unduly prejudice drainage design and not allow for the hierarchy for sustainable drainage to be followed. In order to overcome this objection the applicant should submit:

- Evidence to demonstrate the maximum storage available on site and the associated discharge rate. This is required to demonstrate that discharge will be restricted to as close to greenfield QBar as is achievable.
- A gravity surface water drainage system, including revised compliant calculations and a revised surface water drainage layout.
- Details of pollution mitigation indices delivered through drainage proposals.

ADC ENVIRONMENTAL HEALTH:

No objection subject to the inclusion of conditions regarding land contamination, the provision of electric vehicle charging points, air quality, a noise assessment, external lighting and the submission of a Construction Management Plan.

ADC ECONOMIC DEVELOPMENT:

No comment on this application but would like to see an Employment and Skills Plan in place for the development.

ADC HOUSING:

Object.

The Council's preference is for on-site provision. However, we accept the findings of the viability review which in paragraph 4.1.5 shows that when reducing the profit level to 17.5%, the scheme produces a surplus ('residualised amount') of £779,898 to be paid to the Council as a commuted sum in lieu of on-site affordable housing.

ADC ARCHAEOLOGY:

No objection.

It is unlikely that anything of archaeological interest that this site may have held would have survived 20th century development.

ADC CONSERVATION OFFICER:

Part of the site is located within the Angmering Conservation Area and the site is immediately adjacent to a Grade II Listed Building called 'Eachways'. The Lamb Public House (Grade II listed) and the war memorial are located within close proximity of the site; together with a number of locally listed buildings to the south of the site around the High Street and The Square. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve will need to be considered, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ECOLOGY:

No objection.

Having considered the additional enhancement measures (Biodiversity Net Gain) as proposed within the updated Ecological Impact Assessment with Phase 2 Bat Survey Work (August 2021) report, ADC Ecological Advisors have withdrawn their objection provided the enhancement measures are conditioned and are implemented in their entirety. The lighting scheme would need to take into consideration the presence of bats in the local area. Any brush piles, compost and debris piles should be removed outside the hibernation period for hedgehogs (i.e. mid-October to mid-March). Any works to trees or vegetation should be undertaken outside the bird breeding season (i.e. 1st March - 1st October).

ADC GREENSPACE:

No objection.

A condition is required for the submission of a detailed landscape scheme which would need to be appropriate for its setting, provide mitigation where appropriate, provide screening to the new building, and provide a garden setting. The proposed planting is recommended to be in place prior to the occupation of the building.

ADC ARBORICULTURE:

No consultation response was submitted.

SUSSEX POLICE:

No objection.

The development should be designed to Secured by Design standards. The apartments should have access controls. Car parking must be within view of an active room within a property. Consideration should be given to CCTV cameras for the retail development.

WSCC INFRASTRUCTURE:

WSCC is requesting developer contributions by means of a S106 Agreement towards:

- Library: £9,847 to be used towards additional facilities at Angmering Library.
- Fire and Rescue: £761 to be used towards supply and installation of additional fire safety equipment / smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern area serving Angmering.
- From 1st April 2020 WSCC has implemented a S106 monitoring fee of £200 per trigger, per year of monitoring.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Within the Built-Up Area Boundary in the Arun Local Plan and in the Angmering Neighbourhood Plan. The site is partly within the Angmering Conservation Area.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
HDM2	H DM2 Independent living and care homes
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment

RETSP1	RET SP1 Hierachy of Town Centres
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM2	W DM2 Flood Risk

[Angmering Neighbourhood Plan 2014 POLICY EH3](#) Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY ER1 Retail Provision

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY HA3 Chandlers Site

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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, The South Inshore & South Offshore Marine Plan and Made Neighbourhood

Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Angmering Neighbourhood Plan (NP) was made on 11th March 2015 and is therefore over 2 years old and has limited weight. Relevant Angmering NP policies have been taken account of and are addressed in the Conclusions section 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."

Section 70(2) of TCPA provides that:-

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) : "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Planning(Listed Building and Conservation Areas) Act 1990 Section 72 (1)

"In the exercise with respect to any buildings or other land in a Conservation Area of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The proposal does not comply with relevant Development Plan policies in that no affordable housing is proposed on-site and it fails to provide robust viability evidence for the provision of affordable housing off-site by way of a commuted sum of a proportionate sum (i.e. more than £50,418). The residential development comprises a density of 75 dwellings per hectare which constitutes over-development. Due to the over-development of the site with too many apartments, there is insufficient on-site vehicle parking and cycle parking provision; the public benefits of the proposed development do not sufficiently outweigh the harm caused to the Angmering Conservation Area and on 'Eachways' Grade II Listed Building due to the over-development of the site; and the scale, massing and appearance of the proposed building would appear bulky, out of scale and out of keeping with the character and appearance of these Heritage Assets.

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 proposed development falls within the Built-Up Area Boundary (BUAB) in the Arun Local Plan and the Angmering Neighbourhood Plan and the site is allocated for residential development for at least 20 dwellings in Policies HD2 and HA3 of the Neighbourhood Plan (HELAA Ref. A1513). Policy H DM2 of the Local Plan supports the provision of specialist accommodation, known as sheltered housing; whether the proposed development addresses the criteria in this policy will be covered in the relevant sections below. Retail development comprising of 376 square metres in this location, just outside the core retail area in the Angmering NP is appropriate as it would add to the range and accessibility of goods and services, in accordance with Policy RET SP1 and the site is easily accessible by public transport, by cycle and on foot in accordance with Policy RET DM1(1). The proposed mixed-use development comprising residential (independent living) and retail uses would make efficient use of this previously developed site. This mixed-use development is acceptable in principle subject to other policies within the Development Plan.

Angmering Advisory Group meeting:

A presentation was circulated at the Angmering Advisory Group meeting on 24th June 2021 where comments were made that the site is in a prominent location in the village, the proposed development does not enhance the village, and the Parish Council was disappointed that the concerns they raised at the pre-application stage had not been taken on board.

The key issues are:

- 1) Is the proposed density (75 dwellings per hectare) acceptable in this visually sensitive location, on the edge of Angmering Village Centre, or is the density too high constituting the over-development of the site?
- 2) Is it acceptable that no affordable homes are proposed as part of the re-development of the site and has robust viability evidence been submitted to justify the provision of affordable housing off-site by way of a commuted sum, in accordance with Policy AH SP2 of the Local Plan?
- 3) The proposed mixed use development includes the provision of 26 car parking spaces to serve 33 apartments and 12 car parking spaces to serve the retail unit, and 2 parking spaces are proposed as replacement spaces for the adjacent property ('Eachways'). Is sufficient car parking provision being proposed on this site as required by the ADC Parking Standards SPD?
- 4) Is the design, scale, massing, appearance and choice of materials for the proposed development in keeping with, or would the proposal be harmful to the character and appearance of Angmering Conservation Area and 'Eachways' Grade II Listed Building?
- 5) Has sufficient information been submitted to prove that the proposed development could be adequately drained?
- 6) Are sufficient ecological enhancements proposed for the development to achieve a biodiversity net gain?

The NPPF and the Presumption in Favour of Sustainable Development:

The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), 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.

It is considered that (i) applies to this determination as the site lies partly within the Angmering Conservation Area and adjacent to Eachways Grade II Listed Building. In respect of (ii), is that unless it can be shown that the harm significantly outweighs the benefits then the tilted balance applies.

Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

The site is environmentally sustainable as it lies just outside the core retail area in the Angmering NP and it will be possible for residents to use non-car means of transport to access the local shops and other services.

The development would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

Site Location:

The site is located inside the built-up area boundary (the BUAB) of Angmering.

It is considered that there would be less than significant harm to Angmering Conservation Area and to Eachways Grade II Listed Building if the site was developed for retirement apartments and a convenience store.

If residential development was allowed on this site, it would be possible to secure footway widening improvements and pedestrian crossings on Water Lane and High Street.

Harm:

No affordable housing is proposed on-site and it fails to provide robust viability evidence for the provision of affordable housing off-site by way of a commuted sum of a proportionate sum (i.e. more than £50,418).

The residential development comprises a density of 75 dwellings per hectare which constitutes over-development of the site. Due to the over-development of the site with too many apartments, there is insufficient on-site vehicle parking and cycle parking provision.

The public benefits of the proposed development do not sufficiently outweigh the harm caused to Angmering Conservation Area and Eachways Grade II Listed Building due to the over-development of the site; and the scale, massing and appearance of the proposed building would appear bulky, out of scale and out of keeping with the character and appearance of these Heritage Assets.

Conclusion on Matters of Principle:

The proposed development of 33 retirement apartments (independent living) on the site would contribute to the Council's Five-Year Housing Land Supply.

The policies of the Local Plan that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. In addition, policies in the Angmering Neighbourhood Plan that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. However, other material considerations which may introduce significant harm set out above, combine to outweigh the benefits of the development in particular the lack of affordable housing; the high density of 75 dwellings per hectare which constitutes over-development of the site; and the resultant insufficient on-site vehicle parking and cycle parking provision; and the harm caused to Angmering Conservation Area and Eachways Grade II Listed Building due to the over-development of the site.

For these reasons while the principle of development is supported and the presumption applies, the balance of harm (identified above) outweighs the benefits when considering the NPPF as a whole and the application should be refused.

DENSITY

The proposed footprint of the mixed-use development comprises 0.44 hectares all of which is located within the BUAB in accordance with Policy SD SP2 and Policy H DM2(a) of the Local Plan and Policy HD1 of the Angmering NP. The site is allocated for residential development for at least 20 dwellings in Policy HD2 and Policy HA3 of the Neighbourhood Plan, however this proposal is for 33 dwellings in the form of apartments, which would be a 60% increase from the number of dwellings allocated for the site in Policies HD2 and HA3 of the Neighbourhood Plan.

The proposed development of 33 apartments on the site comprises a density of 75 dwellings per hectare which is very high density. The development of 20 dwellings on the site (in accordance with Policies HD2 and HA3 of the Neighbourhood Plan) would comprise a density of 45 dwellings per hectare. The Arun Design Guide (Figure 80) provides guidance on densities and it specifies that typical densities in villages is 20-30 dwellings per hectare, and that densities of 60-100 dwellings per hectare are typical of apartment developments in town centres. The Arun Design Guide also says that flats are usually 30-50 dwellings per hectare in villages. It also says that in general higher densities would be appropriate in town and village centres, and schemes should 'focus higher density areas and provision of facilities around existing focal points such as town and village centres. The Design and Access Statement provides a justification for a higher density development in this location.

This high density apartment development is unacceptable on the edge of Angmering village centre on a site that is partly within the Conservation Area; and the proposal constitutes over-development; this assessment is based on the Arun Design Guide (Figure 80) which provides guidance on 'medium density' flats which are usually 30-50 dwellings per hectare in villages and that 'higher densities' of 60-100 dwellings per hectare are typical of apartment developments in town centres. This is not a town centre location, but a village centre location and a density of 30-50 dwellings per hectare in villages is acceptable and appropriate in this location. The high density development is not in keeping with the immediate surrounding area, which is characterised by medium density development. A medium density of residential development would be acceptable in this visually sensitive location within the village of Angmering. The proposed development is contrary to Policy D DM1(13), Policy H DM2(d), Policy HER DM1, Policy HER SP1 and Policy HER DM3 of the Local Plan and Policy HD2, Policy HA3 and Policy HD7 of the Angmering NP and the Arun Design Guide.

SCALE AND BUILDING HEIGHTS

The proposed development is for retirement living apartments (i.e. Category II type sheltered housing) and a retail unit (i.e. a convenience store). The Design and Access Statement says that the development would be 2 storeys in height, which is acceptable in this location because the majority of the houses in the vicinity are 2 storeys in height. The proposal comprises an apartment block, approximately H-shaped in plan, with a short terrace of apartments fronting onto High Street, together with a retail unit which extends north-east in a short block along the Water Lane frontage of the site. The scale of the development is relatively responsive to the site's surroundings with two storey buildings surrounding the

site on High Street, Water Lane and Cumberland Crescent. Roof forms are generally gable ended with some half-hipped roofs in order to add variety and interest to the street scene and reduce mass and bulk. The ridge height accords in general terms with the built form in the vicinity of the site. However, the proposed building fronting onto High Street would sit forward of Eachways (Grade II Listed Building), and it would have a higher ridge height, as shown on Drawing No. SO-2729-03-AC-302 Rev. A - Site Section, which would have an overbearing effect on the Listed Building, which would be unacceptable. The proposed scale of the scheme adjacent to 'Eachways' (Grade II listed building) is inappropriate, and not in scale with the surrounding developments, and it is contrary to Policy D DM1(14) and Policy H DM2(d) of the Local Plan and Policy HD5 of the Angmering NP.

LAYOUT AND APPEARANCE

The footprint of the building would be approximately an L shape with a block of retail with residential above at the head of the L and an additional block of residential flats at the toe of the L shape. The building is 2 storeys in height in a town house style. In assessing the development it is worth dividing it up into segments depending on the frontage.

The northern elevation onto Water Lane:

The convenience store with flats above (comprising Flats 16-17 inclusive) has a simple but traditional design using facing bricks, flint panels and render, with red and grey roof tiles; with an active frontage within the site. The frontage onto Water Lane is broken-up to reduce the area of sheet glass serving the retail element using render, stock brick and flint panels as the facing materials. The convenience store would be seen from The Square, in contrast with the existing single storey commercial development, however, this is acceptable as the height and appearance of the proposed convenience store would be in keeping with many of the buildings in The Square and in the village centre.

The western elevation onto High Street:

The existing properties on High Street, close to the site, are tight knit and create an intimate streetscape; and all of the existing buildings in The Square front onto it. The western elevation (comprising Flats 10-13 and 28-31 inclusive) of the apartment block is proposed to be rendered and incorporate balconies; it is too long and covers a large area, which would appear to be at least two times the ground floor area of the adjacent Listed Building ("Eachways"), and it is out of character with the surrounding buildings and it is below the quality expected for such a location within the Conservation Area. The proposed apartment block fronting onto High Street would sit forward of Eachways (Grade II Listed Building), and it would have a higher ridge height, which would be visible within the setting of the listed building. The western elevation needs to be broken-up to give the appearance of a number of smaller buildings, and be faced in brickwork and flint rather than render to ensure that it complements the existing buildings in The Square.

The eastern elevation onto the rear of dwellings on Cumberland Crescent:

The proposal is to have the rear elevation of the apartment block (comprising Flats 3-7 and 18-24 inclusive) facing onto the rear of dwellings on Cumberland Crescent. This elevation would be fairly formal with construction materials for the most part facing bricks, with red and grey roof tiles, and this elevation would include balconies which are acceptable in this location backing onto existing dwellings on Cumberland Crescent. The eastern elevation appears bulky due to the use of facing bricks; this elevation needs to be broken-up using a range of facing materials including tile hanging and render in addition to facing brick.

The southern elevation onto Woodford Villas and Angmering Villas:

The proposal is to have the rear elevation of the apartment block (comprising Flats 8-10, the communal lounge, internal staircases and Flats 25-28 inclusive) onto the retaining wall which runs along the southern boundary of the site and onto the rear of dwellings at Woodford Villas and Angmering Villas. This elevation would be fairly formal with construction materials for the most part facing bricks, but with

some render, and with red and grey roof tiles, and this elevation would include balconies which are acceptable in this location backing onto existing dwellings at Woodford Villas and Angmering Villas.

The internal frontage:

Most of the development would have an internal frontage facing onto an internal service road; it would use a variety of different facing materials including stock brick and the elevations of the retail unit facing onto the internal service road would be render, and with red and grey roof tiles; and this elevation would include balconies which are acceptable in this location looking out onto the internal courtyard.

Provision of Communal Space:

As this proposal is for retirement apartments and a convenience store it does not provide public open space or play space. The communal space would be from a depth of 5 metres to 13.5 metres at the back of the L shape of the proposed building and to the bottom of the L shape of the building. The proposed development includes the formation of a pergola along with seating and a barbecue area as a focal point to the garden adjacent to the residents' lounge. Raised planters on compacted gravel are proposed to the rear of the site providing activities for residents and a grass Games Area adjacent to the communal terrace. These communal spaces and gardens would be planted with trees and shrubs as indicated on the Landscape General Arrangement Plan (Drawing No. SO-2729-03-LA-001). The proposed provision of residential communal shared space, garden areas and private balcony areas comply with the Arun Design Guide and Policy H DM2(e) of the Local Plan.

Boundary Treatment:

The flint walls to the western boundary with Eachways and the concrete/brick retaining walls to the eastern and south eastern boundaries are proposed to be retained and repaired; and the existing metal palisade fence along the southern boundary is to be replaced by 1.8 metre high black metal railings with matching pedestrian gates with a clipped hedgerow behind and where there is a change in site levels a low brick retaining wall topped by black metal railings, as indicated on the Hard Landscape Image Sheet (Drawing No. SO-2729-03-LA-004), which are acceptable as they would enhance the visual appearance of the development.

The proposal does not comply with the National Design Guide and the Arun Design Guide (Chapters J & L) for the reasons set out above. Consequently, the proposed development is contrary to Policy D DM1, Policy D SP1 and Policy H DM2(d) of Arun Local Plan and Policy HD4, Policy HD5 and Policy HD6 of Angmering NP and the Arun Design Guide.

RESIDENTIAL AMENITY

The layout of the dwellings has been considered in terms of separation distances and fenestration so as to protect the amenities of neighbouring residential occupiers. It does not result in materially adverse overlooking of neighbouring properties. The properties generally benefit from a 20 metre separation distance from primary elevation to primary elevation facing with the exception of plots which face properties on Cumberland Crescent to the rear at a distance of 15-16 metres, however there are no facing windows at first floor level in the proposed apartments and there is a difference in land levels with the properties on Cumberland Crescent significantly higher in level with an embankment wall between. This would prevent any significant overlooking or loss of privacy to the existing and proposed dwellings. Separation distances between the proposed development and existing dwellings are therefore sufficient to prevent overlooking or overshadowing of neighbouring properties.

The site was previously used for commercial use including HGV movements and regular movements of vehicles on and off the site as well as the noise of the use of buildings for car mechanics. Similarly, the convenience store would generate traffic movements, parking and manoeuvring. As such, subject to proposed conditions restricting delivery times, the proposed uses including deliveries and movement of retail customers on and off site would not cause an unacceptable loss of residential amenity to existing

and proposed dwellings.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with Policy D DM1(3) of Arun Local Plan.

EXTERNAL SPACE STANDARDS

The Landscape General Arrangement Plan (Drawing No. SO-2729-03-LA-001) shows that communal spaces and gardens have been provided at ground floor, which is sufficient communal garden space to provide for all the apartments; and there are sufficient private amenity spaces comprising balconies measuring 3.0 metres wide and private patios measuring 3.0 metres, in accordance with Part P (Apartments) of the Arun Design Guide.

INTERNAL SPACE STANDARDS

The floor plans of each apartment where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standards (NDSS) table (Table 1) in order to provide adequate internal space. In the NDSS, the space standard for a 1 bed 2 person flats is 50 square metres which is met in all cases. The two bed flats have a space standard of 70 square metres which is also met in all cases. The scheme meets the M4(2) accessible and adaptable standards. Consequently, the proposed residential development complies with Policy D DM2 of the Local Plan and meets the NDSS requirements in terms of minimum gross internal floor areas.

AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan requires that for all developments of 11 residential units or more the Council will require a minimum of 30% of the units proposed to be provided as affordable housing. There is high demand for all types of affordable housing throughout the District. As at June 2021 there were 1,099 households in housing need on the Council's housing register.

This application comprises the development of 33 new apartments, so in order to be policy compliant the scheme should provide 10 affordable dwellings, 8 of which should be rented and 2 should be intermediate (i.e. shared ownership); and these dwellings would need to be included in a Section 106 Agreement. No affordable homes are proposed to be provided on this site as part of this development, but a commuted payment of approximately £50,418 in lieu of on-site affordable housing is proposed in the Financial Viability Assessment (dated 28th May 2021 and prepared by Alder King). The Financial Viability Assessment states that the proposed scheme produces a surplus of £50,418 after allowing for a fixed developer's profit of 20%.

Following the submission of a Financial Viability Assessment claiming that the proposal could not deliver any affordable housing on-site the Council's independent consultants, Dixon Searle Partnership carried out a desk-top study considering the site context from the information supplied by Arun District Council and using available web-based material.

Dixon Searle Partnership have carried out sensitivity testing based on amendments to the development appraisal. The scheme (using a 20% GDV profit level) produces a surplus ('Residual Amount') of £513,564 (paragraph 4.1.5 of the DSP report, 2021). When reducing the profit level to 17.5%, GDV, the scheme produces a surplus ('Residual Amount') of £779,898 (paragraph 4.1.4 of the DSP report, 2021). On this basis, overall, Dixon Searle Partnership consider that the scheme's viability appears to have been understated and Dixon Searle Partnership are unable to support an approach which provides a total of £50,418 for S106 contributions and affordable housing (paragraph 4.1.6 of the DSP Report, 2021). The LPA has requested a commuted sum in lieu of on-site affordable housing of £779,898. The applicant, in response, refuses to increase the contribution from £50,418 in conflict with Policy AH SP2 of the Arun Local Plan.

TRANSPORT

Site Access:

Drawing No .034.0135.001 shows the site with split access off Water Lane, one for the apartments on the line of the existing access off Water Lane, leading into an internal access road serving the car parking area; and an access for the convenience store to the east of the first access, which would also serve a small number of parking spaces serving the apartments. The proposed access serving the majority of the apartments has an acceptable visibility splay for a 20mph zone on Water Lane. The bell mouth access for the convenience store has been designed to allow 2 vehicles to pass and has acceptable visibility splays for the 20mph zone on Water Lane.

Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied A/110/21/PL as required by Policy T SP1(e) of the Local Plan. The proposed development of 33 retirement apartments on part of the site is anticipated to generate 5 two-way vehicle movements in the AM peak and 4 two-way vehicle movements in the PM peak, which is acceptable.

The proposed development of a convenience store on part of the site is anticipated to generate 59 two-way vehicle movements in the AM peak and 71 two-way vehicle movements in the PM peak. A high proportion of these trips would already be on the network with most being 'pass by' or 'diverted' trips accessing the convenience store.

Refuse and Servicing Arrangements:

A bin store is located in the apartments adjacent to the convenience store for ease of access (Drawing No. SO-2729-03-AC-102 Rev. B). Refuse collection will take place on site with a refuse vehicle turning into the convenience store car park, turning and reversing towards the gated parking area to the south. A vehicle tracking plan (Drawing No. 034.0135.002 Rev. A) has been submitted which demonstrates that refuse vehicles can make this manoeuvre safely. Deliveries would be made to the convenience store by the Goods Delivery Bay which fronts onto Water Lane, which is shown on Drawing No. 034.0135.003 Rev. A. The Local Highway Authority has requested a Traffic Regulation Order submission for the provision of double yellow lines along the site frontage to stop kerb parking on Water Lane.

Road Safety Audit:

The Road Safety Audit issues i.e. when in use, the proposed delivery bay would restrict emerging vehicle visibility; and insufficient inter-visibility (pedestrian / vehicle conflict) near the Goods Delivery Bay and crossing to the car park), have been resolved and are in the process of being signed-off.

Public Transport:

The nearest bus stops are located 150 metres to the south of the site at the Village Green on Water Lane, which are served by the No. 9 bus service which provides an hourly service Monday - Friday, with a reduced service on Saturdays between Arundel and Shoreham. Angmering Railway Station is 1,500 metres to the south of the site and it provides services to reach destinations including Portsmouth, Southampton Central, Brighton and London Victoria Stations. The proposed development complies with Policy T SP1(a) of the Local Plan by improving access to public transport services; and with Policy H DM2(b) of the Local Plan in terms of accessibility by public transport to community and social facilities.

Footways and Cycle Provision:

The existing vehicular access from High Street would be closed-off to vehicles but remain as a pedestrian route. Site pedestrian access is also being provided directly onto High Street, via the old vehicle access being closed off to vehicles but left as pedestrian only access. There will be a small extension to the pavement across the old BMW site access on High Street with dropped kerbs and tactile paving, then dropped kerbs and tactile paving on the opposite side of the road outside of the Parish

Office building. Dropped kerbs and tactile paving is proposed outside 'Eachways' to aid pedestrian access to the pavement along the northern side of Water Lane. Additional tactile paving and dropped kerbs are proposed at the bell mouth access on Water Lane. The existing footway along Water Lane would be widened to 1.8 metres west of the site and a minimum width of 1.65m in the vicinity of 'Eachways', which would be achieved by reducing the road width along Water Lane from 6.0m to 5.5m. Vehicle tracking has been undertaken at this point which demonstrates that two vehicles can pass. The precedent for narrow sections of useable carriageway has already been established through on street parking which reduces the effective road width from 7.2-6.5m to 5.2-4.5m and has operated successfully for a prolonged period of time without creating a road safety issue. The proposed localised narrowing is acceptable as it would result in a significantly safer and more attractive pedestrian route along Water Lane. The Local Highway Authority is satisfied with the proposed footway widening works and the remaining carriageway widths available after the works. The Local Highway Authority is satisfied with the proposed crossings on Water Lane and High Street; the provision of a pedestrian crossing on Water Lane is a requirement of Policy HA3 of the Angmering NP. The proposed development complies with Policy H DM2(b) of the Local Plan and Policy HA3 of the Angmering NP, in terms of accessibility by foot and bicycle to community and social facilities.

Parking Provision:

The proposed development includes 12 car parking spaces to serve the retail unit (i.e. the convenience store), which equates to 1 space per 32 square metres. The Transport Assessment claims that most convenience stores would be accessed on foot or a quick pass-by trip with a high turn over of short stops, meaning that a lower level of parking could be considered as stop times are shorter. The ADC parking standards SPD requirement for the retail unit would be a provision of 1 space per 14 square metres which equates to 27 parking spaces. The retail unit (the convenience store) is located close to the village centre and will pick up passing trade, but the provision of 12 parking spaces is inadequate especially when compared with the figure of 27 parking spaces set out in the ADC Parking Standards SPD, as there would be a shortfall of 15 parking spaces. Consequently, the proposed retail development does not comply with the recommendations in the ADC Parking Standards SPD and provides insufficient car parking spaces to serve the retail unit.

The Transport Assessment claims that there are no definite parking standards for retirement style developments such as this one. The proposed development includes 26 car parking spaces to serve the apartments, including 3 visitor spaces; plus 2 car parking spaces are proposed to serve the Listed Building (Eachways). It is noted that a statement has been submitted (Transport Assessment, Appendix E: McCarthy Stone Parking Research) attempting to justify the proposed level of parking. The Research concluded that an average of 0.474 spaces should be provided per apartment, however, given the higher car ownership in 2 bedroom apartments, consideration should be given to increasing car parking provision where the proportion of two bedroom units is significantly above the 33% level. The research concluded that on-site provision should normally be made for visitor parking at the rate of 0.1 spaces per apartment. Using the methodology set out in the McCarthy Stone Parking Research would result in the provision of 18 parking spaces, but 26 spaces are proposed to avoid overspill parking. However, mainstream apartment developments of this size would require 2 parking spaces per 1 and 2 bedroom units, which would equate to 66 parking spaces as required by the ADC Parking Standards SPD.

As the site is situated just outside the core retail area in the Angmering NP and in close proximity to the Railway Station, provision should be made for 33 parking spaces, which equates to 1 parking space per apartment.

In terms of cycle parking, the ADC Parking Standards SPD requires 1 cycle parking space per 100 square metres for staff and 1 cycle parking space per 100 square metres for customers for retail developments. Provision should therefore be made at the convenience store for 8 cycle parking spaces, based on 380 square metres, however no cycle parking provision is proposed for the convenience store.

A combined mobility buggy/cycle store is proposed for the retirement apartments.

Conclusion on Transport:

The Local Highway Authority is satisfied with the proposed footway widening works and the remaining carriageway widths available after the works; and the proposed crossings on Water Lane and High Street. However, the proposed development provides insufficient car parking spaces to serve the convenience store and the apartments. Due to the location of the site next to the Village Centre and in close proximity to Angmering Railway Station, a compromise should be sought whereby 33 parking spaces should be provided for the apartments, which equates to 1 parking space per apartment. Insufficient cycle parking spaces have been proposed to serve the convenience store, contrary to the ADC Parking Standards SPD and Policy HD8 of the Angmering NP.

IMPACT ON THE CONSERVATION AREA AND THE SETTING OF LISTED BUILDINGS

Angmering Conservation Area:

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 199 of the NPPF (2021) and if there is harm it is substantial or less than substantial, and this needs to be weighted against the public benefits of the proposal.

Angmering Conservation Area is the historic core of the village and consists of three different areas of townscape. These are: The Square, the approach from Arundel Road and The High Street. The Square is situated at the centre of the village and contains most of the village's shops and commercial premises, and the village War Memorial. Arundel Road leads from the A27 and buildings of flint and brick, most notably the old school (now the library), frame a narrow entrance to The Square. The High Street is almost entirely residential and whereas Arundel Road is narrow and straight, the High Street is wider but with a significant gentle curve which invites exploration of the fine buildings distributed along the road. The conservation area contains a number of other listed and locally listed buildings which form an attractive group, in the historic core of the village.

In accordance with paragraph 194 of the NPPF (2021), a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of the Conservation Area and assesses how this may affect the proposed development.

With regard to paragraph 206 of the NPPF (2021) the main consideration is the effect that the proposed mixed use development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of Angmering Conservation Area.

Paragraph 206 of the NPPF (2021) states that Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. The proposed development constitutes over-development, this is based on the other sections of this report, which would not enhance the setting of the Conservation Area.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as "the Act") states that 'special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

The site is visible from both within the Conservation Area as well as from outside and looking into it (along Water Lane). The Heritage Statement, 2021 concludes that the proposed development conserves and enhances the Conservation Area. The removal of the existing commercial buildings and the empty house is a positive element of the scheme, as they detract from the various assets, being of an inappropriate design and state of repair.

The Design and Access Statement identifies a pallet of materials including Concrete Ridge Tiles, UPVC

Fascia & Soffit, UPVC Windows & Doors and UPVC Rainwater Goods. Such materials are not appropriate for a conservation area (or its setting) or the setting of listed buildings. Those elements of the building visible from the conservation area/its setting and the setting of the Eachways Listed Building should be of an appropriate material, traditional design, operation and colour. The proposal to have grey windows and doors on the retail unit (convenience store) is inappropriate as this does not appear to be traditionally found in the local area. The use of flint in the elevations is acceptable, but would have to be of a high quality; pre-cast flint panels would be inappropriate in this location. Sample panels and details of the materials to be used would be required to be submitted and this should be conditioned. The proposed materials would have a negative impact on the Conservation Area in conflict with paragraph 72 of the Act.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents of the 1990 Act (as amended). It is therefore necessary to consider the public benefits that the development may achieve balanced against the over-development of the site. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS).
- Benefitting the local economy by providing a new retail store and by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime and anti-social behaviour.
- Re-developing a derelict brownfield site in the centre of Angmering Village.
- Creating construction jobs and retail jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods and services.

In conclusion, the public benefits of the proposed development do not sufficiently outweigh the harm caused to the Conservation Area due to the proposed over-development of the site and the proposal is therefore contrary to Policy HER SP1 and Policy HER DM3 of the Arun Local Local Plan, Policy EH1 of the Angmering NP, the NPPF (2021) and Section 72 of the Act.

Listed Buildings:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Heritage Statement, May 2021, says the proposed new building re-establishes former building lines on a domestic scale and character to both High Street and Water Lane, thereby helping 'Eachways' to sit in its proper context as the 'bookend' historic building for Water Lane and High Street. The Statement says "the design is appropriate in form, scale and character, with a good mix of vernacular materials and form. It will enhance the settings of the nearby listed buildings, while also enhancing the Conservation Area and its setting". The Heritage Statement acknowledges that concerns were raised at the pre-application enquiry stage over the "lack of an active frontage on High Street" and that "the mass of the new building will subsume the listed building: 'Eachways';" and acknowledges that the terrace of flats on High Street would constitute the primary impact on the setting of the listed building: 'Eachways'. The Heritage Statement claims that as the terrace is to be rendered in white it would complement 'Eachways' and that it would be set slightly forward of the front building line of 'Eachways' and it would not have a significant adverse impact on the listed building. The Statement claims that the setting of 'Eachways' would be obliquely affected by a rendered and a stock brick frontage though this is set back from the listed building such that it is not considered to have a significant adverse impact. The Heritage Statement

concludes that the proposed development makes a positive contribution to the setting of the listed and locally important buildings nearby

It is considered that the scale of the development proposed on this site could have some negative impact upon the setting of the Listed Buildings, due to the scale and proximity of the apartment building to Eachways which would be overbearing, in conflict with paragraph 66 of the Act. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

It is therefore necessary to consider the benefits that the development may achieve. These have been set out above.

In conclusion, the public benefits of the proposed development do not sufficiently outweigh the harm caused to the listed buildings due to the proposed over-development of the site and the proposal is therefore contrary to Policy HER DM1 and Policy HER SP1 of the Local Plan, Policy EH1 of the Angmering NP, the NPPF (2021) and Section 66 of the Act.

BIODIVERSITY

A Preliminary Appraisal & Ecological Impact Assessment (December 2020) was submitted with A/110/21/PL which concluded that the initial assessment of the site found potential bat roosting features on the carport within the courtyard area and the cottage, and recommended further investigation. An Ecological Impact Assessment with Phase 2 Bat Survey Work (June 2021) was submitted following the completion of further bat surveys which concluded that the carport and the cottage have been found not to be used by bats for roosting, and no further survey work was required. Further information was requested by ADC Ecology on Biodiversity Net Gain in addition to that recommended in the Ecological Impact Assessment (June 2021) prior to the determination of the application.

Having considered the additional enhancement measures (Biodiversity Net Gain) which have been proposed in the updated Ecological Impact Assessment with Phase 2 Bat Survey Work (August 2021) report comprising the provision of 5 bat tubes and 5 bee bricks which would be built into the external walls of the building; a corridor would be created for hedgehogs; 7 new trees would be planted within the site; 45 metres of new hedgerows would be planted along the south western boundary; 2 hedgehog roosting boxes would be provided and at least 3 log piles would be created; the ADC Ecological Advisor is recommending the enhancement measures are conditioned and are implemented in their entirety. Subject to an ecological enhancement condition, the proposed development complies with Policy ENV DM5 of the Local Plan and the National Planning Policy Framework, as the development proposes to achieve a net gain in biodiversity.

TREES

A Tree Survey and Impact Assessment (May 2021) has been submitted with this application which identifies the locations of the trees for removal and those for retention, together with tree protection measures to be implemented during the construction of the apartments and the retail unit, and confirms that there are no Tree Preservation Orders protecting trees on the site. The trees growing along the south east boundary of the site including Leyland Cypress, Elm and Sycamore are proposed to be retained; but 2 trees (a Sycamore and a Monterey Cypress) are proposed to be removed from the frontage with High Street, which is acceptable due to the condition of the trees. The site layout (Drawing No. SO-2729-03-AC-102 Rev. B) has taken into account the root protection areas (RPAs) of the trees to be retained on the site. The development can be accommodated without detriment to the trees that are proposed to be retained on the site and the proposal complies with Policy ENV DM4 of the Local Plan.

FLOODING AND SURFACE WATER DRAINAGE

The north western part of the site is located within a Flood Zone 2 (Medium Probability) and Flood Zone 3 (High probability) as the Black Ditch is culverted beneath Water Lane adjacent to the site. The application is within an area at risk from both fluvial and pluvial flooding. The proposed residential development is predominantly located within Flood Zone 1.

Sequential Test and Exception Test:

Paragraph 161 of the NPPF, 2021 states that 'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below.' Paragraph 166 of the NPPF, 2021 states that 'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.' It is noted that the application site is allocated for residential use in the Neighbourhood Plan (Policy HA3) and therefore complies with the Sequential Test.

Paragraph 166 of the NPPF, 2021 sets out whether you need to apply the exception test: 'where planning applications come forward on sites allocated in the development plan through the sequential test, the exception test may need to be re-applied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account'. The site-specific FRA confirms that the development passes the exception test and is compliant with Policies W DM2, W DM3 and W SP1 of the Local Plan.

Paragraph 164 of the NPPF 2021 states that 'To pass the exception test it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.' The site is considered to be socially, environmentally and economically sustainable due to its town centre location and acceptable impact on residential amenities and visual appearance (environmental factor), as expanded above, and the contribution it is capable of making towards construction jobs (social and economic factors). The site location passes the sustainability criteria of the Exception Test. The development of the site would reduce flood risk overall, in compliance with b) above.

Flood Risk Assessment:

The application includes a Flood Risk Assessment (FRA) and a Surface Water Drainage Strategy. The Environment Agency has requested that a condition be imposed whereby finished floor levels, recommended in the FRA, shall be set no lower than 6.40 metres above Ordnance Datum (AOD) for all of the apartments; and finished floor levels for the retail unit shall be set no lower than 6.10 metres AOD, which is higher than the existing floor levels; however, flood resilient and resistant measures and design shall be implemented and set no lower than a height of 6.40m AOD, to reduce the risk of flooding to the proposed development and future occupants.

Surface Water Drainage Strategy:

The Surface Water Drainage Strategy is proposed to use attenuation tanks and pump surface water at a discharge rate equivalent to 50% of the brownfield rate. Surface water drainage must be considered at the earliest opportunity and form part of the layout of the development. The work undertaken to date on the details of the drainage scheme have not demonstrated that the proposed layout allows for the sustainable drainage hierarchy to be followed. Conditions should be imposed of surface water drainage on the site, including maximum surface water storage available on site and the associated discharge

rate. Details of a gravity surface water drainage system including compliant calculations, a surface water drainage layout and details of pollution mitigation indices delivered through drainage proposals should be conditioned. Subject to surface water drainage conditions, the proposed development complies with Policy W DM2, Policy W DM3 and Policy W SP1 of the Local Plan and the NPPF (2021).

FOUL WATER DRAINAGE

Southern Water can facilitate foul sewerage disposal to service the proposed development. It is possible that a sewer could be crossing the site and a condition is required whereby; if any sewer is found during construction, an investigation would be required to assess its ownership. Subject to a foul water drainage condition, the proposed development complies with Policy W DM1 of the Local Plan.

CONTAMINATION

A Ground Condition Assessment (February 2021) was submitted which concluded there were low to moderate risks to future site users and buildings related to elevated concentrations of lead within the made ground and from exposure to ground gas and radon; and there was a low to moderate risk to the underlying bedrock principal aquifer from the migration of contaminants associated with the fuel infrastructure. The Assessment makes a number of recommendations including the removal of all fuel tanks and connecting pipework; that services be laid in lined trenches; that a capping layer of 400mm of clean imported subsoil and subsoil is placed in areas of soft landscaping; the installation of suspended floor slabs and gas resistant membrane to mitigate the transmission of ground gas and radon; the removal or mitigation of the hydrocarbon impacted soils; the provision of a piling risk assessment; a watching brief should be implemented; deeper foundations due to the thickness and variable composition of the underlying made ground; and the need for a stand-alone Remedial Method Statement to be submitted.

Further to the recommendations set out in the Ground Condition Assessment (February 2021), Environmental Health and the Environment Agency have requested the imposition of contaminated land conditions including the submission of an additional site investigation scheme, an options appraisal, a remediation strategy and a verification report, to ensure that the proposed development complies with Policy QE DM4 of the Local Plan to protect the amenity of local residents. The Environment Agency has requested that a condition be imposed whereby piling shall not be carried out other than with the written consent of the Local Planning Authority. A Piling Risk Assessment (10 August 2021) has been submitted, and the Environment Agency (EA) has requested that the Assessment is re-submitted in a separate discharge of condition application once planning permission has been granted, to enable the EA to assess it. Subject to the imposition of contaminated land conditions and a condition relating to piling works, the proposed development complies with Policy QE DM4 of the Local Plan, ensuring that the site would not pose any further risk to human health and the development does not harm groundwater resources.

AIR QUALITY

The proposed development is not located in an Air Quality Management Area. Environmental Health has requested the imposition of a condition requiring the submission of an Air Quality Assessment as this is a major development and air quality should be considered at the design stage and incorporate appropriate and effective mitigation in accordance with the NPPF and Policy QE DM3 of the Local Plan. Environmental Health have also requested a condition for the submission of a Construction Management Plan to protect the amenity of local residents; and this construction management plan condition should include a reference to the Refuse and Waste Management Plan which has been submitted with A/110/21/PL. Provision should be made for electric vehicle (EV) charging points to be installed within the parking courts serving the retirement apartments, in accordance with paragraph 2.8 of the ADC Parking Standards SPD. This should be conditioned. Subject to the imposition of conditions for the submission of an Air Quality Assessment, a Construction Management Plan and the provision of electric vehicle charging points, the proposed development complies with Policy QE DM3 of the Local Plan, in terms of

air quality.

NOISE QUALITY

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses. Environmental Health has requested the submission of a Noise Assessment to determine the impact of noise from transport and commercial related development; together with the imposition of a condition controlling the hours that deliveries may be made to the retail unit. Subject to the imposition of conditions for the submission of a Noise Assessment, and limiting the hours that deliveries can be made to the retail unit, the proposed development complies with Policy QE DM1 of the Local Plan as the future and existing residents would not be adversely affected by noise emissions.

CLIMATE CHANGE

The proposed east/west orientation of the building accommodating the apartments and the convenience store would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan. No renewable energy features, i.e. PV panels or air source heat pumps are proposed as part of this mixed-use development, as required by Policy ECC SP2 of the Local Plan.

SUPPORTING INFRASTRUCTURE

The proposed development would help to support the local community by providing 33 retirement apartments (independent living) and a convenience store. The proposed development would be required to make a CIL contribution. As such, there would be a further benefit to the local community as the development site is located in Zone 2 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £100 per square metre of net additional floorspace. The ADC Economic Development Team has requested the submission of an Employment and Skills Plan for the development; and the Team is happy to work with developers to put in place and assist with achieving targets in such a plan. This should be conditioned.

SUMMARY

The benefits of the scheme include the provision of 33 much needed retirement apartments (independent living) and a convenience store providing 376 square metres of retail floor-space, together with the demolition and removal of an empty and unsightly commercial building and an empty house on the site. The proposed development is located within the BUAB on a site allocated for residential development in the Angmering NP and the presumption in favour of sustainable development applies.

However, the proposal does not comply with relevant Development Plan policies in that no affordable housing is proposed on-site and it fails to provide robust viability evidence for the provision of affordable housing off-site by way of a commuted sum of a proportionate sum (i.e. more than £50,418).

The residential development comprises a density of 75 dwellings per hectare which constitutes over-development of the site. Due to the over-development of the site with too many apartments, there is insufficient on-site vehicle parking and cycle parking provision. There would be less than substantial harm to the Angmering Conservation Area and 'Eachways' Grade II Listed Building but the public benefits of the proposed development do not sufficiently outweigh the harm caused to these Heritage Assets due to the over-development of the site; and the scale, massing and appearance of the proposed building would appear bulky, out of scale and out of keeping with the character and appearance of these Heritage Assets, contrary to the Development Plan policies and the National Planning Policy Framework, 2021.

RECOMMENDATION

It is therefore recommended that this application is refused.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply) and will be based on floor spaces.

RECOMMENDATION

REFUSE

- 1 The proposed development fails to provide on-site affordable housing and fails to provide robust viability evidence for the provision of affordable housing off-site by way of a commuted sum of a proportionate sum (i.e. more than £50,418), in conflict with Policy AH SP2 of the Arun Local Plan and the National Planning Policy Framework (2021).
- 2 The residential development comprises a density of 75 dwellings per hectare which constitutes over-development of the site, with insufficient on-site vehicle parking and cycle parking provision. There would be less than substantial harm to the Angmering Conservation Area and 'Eachways' Grade II Listed Building but the public benefits of the proposed development do not sufficiently outweigh the harm caused to these Heritage Assets due to the over-development of the site; and the scale, massing and appearance of the proposed building would appear bulky, out of scale and out of keeping with the character and appearance of these Heritage Assets. Consequently, the proposed development is contrary to Policy D DM1, Policy D SP1, Policy H DM2(d), Policy HER DM1, Policy HER SP1, Policy HER DM3 and Policy T SP1 of the Arun Local Local Plan, Policy EH1, Policy HA3, Policy HD2, Policy HD4, Policy HD5, Policy HD6, Policy HD7 and HD8 of the Angmering Neighbourhood Plan, the National Planning Policy Framework (2021), the Arun Design Guide, the ADC Parking Standards SPD and Sections 66 and 72 of the Planning (Listed Building and

Conservation Areas) Act 1990 (as amended).

- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.