

Recommendation Report for Planning Permission

REF NO: A/134/13/

LOCATION: Land at Broadlees
Dappers Lane
Angmering West Sussex

PROPOSAL: Outline application for demolition of Broadlees and erection of up to 27 x 2 bed age restricted cottages, a 60 bed care home, laundry room, managers cottage and guest suite, with associated car parking This is a departure from the development plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 60 bedroom care home and 27 x 2 bedroom age restricted cottages which are indicated on the submitted layout plan as terraced and semi-detached properties and an additional detached manager's house and guest house at the site entrance. Only access forms part of the proposal. The submitted illustrative street scene indicates that the proposed care home would be 2 storeys high and cottages would be single storey.
SITE AREA	1.3 hectares
RESIDENTIAL DEVELOPMENT DENSITY	67 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To Water Lane and Dappers Lane trees and hedging to approx 2-5 metres. A mixture of timber fencing types mainly 1- 1.2 metres high exists on the garden area boundaries.
SITE CHARACTERISTICS	The site comprises a field, single storey ancillary buildings, a detached 2 storey dwelling and garden with access from Dappers Lane. The site was previously used as a nursery. The field to the east is now used for grazing purposes.
CHARACTER OF LOCALITY	Predominantly rural. Nurseries and fields to north, east and south. 2 storey residential dwellings on the opposite side of Dappers Lane. Most properties along Dappers Lane on the eastern side are detached and 2 storeys high and are located relatively close to the road frontage.

RELEVANT SITE HISTORY

A/86/00/	New medical centre with associated parking & landscaping (Departure from development plan).	ApproveConditionally 08-11-2000
A/95/01/	New medical centre with associated parking & landscaping.	ApproveConditionally 25-09-2001

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection on basis of flood risk to surrounding area and drainage not being adequately addressed in the application, impact on local traffic and South Downs National Park in terms of light pollution and visual impact. Outside built-up area boundary and no case has been demonstrated for the consequent departure from the Development Plan.

Save Angmering Village - Objection. A need for this type of accommodation is recognised, but the applicant has not provided sufficient evidence to enable the application to be approved. Significant boundary planting of sufficient height and density needs to be introduced to reduce visual impact and improve bio-diversity. Insufficient parking given potential age of residents and that they may still be travelling to work. The potential of groundwater and surface water flooding presents a real risk in the village.

Arun Access Group - Objection The proposed development of a care home and age restricted cottages is in a remote area, on a country lane. It would be highly unlikely that the majority of residents would be able to walk to the nearest shops and facilities given that many elderly people are Blue Badge holders and one of the criteria for entitlement is that the person can only walk with extreme difficulty and considerably less than 600 metres. The site is therefore entirely unsuitable.

8 letters objection - Departure from the development plan. Would create an unprecedented increase in traffic movements, noise levels and pollution. The density of building is excessive for such a site, environmental impact would be severe physically and visually. Already overloaded drainage infrastructure serving surface water, waste water and sewage effluent results in overflows of raw sewage which is a public health hazard. The pipe from this culvert (black ditch) travels under the road through the village. The pipe is too small as it is and floods houses in Water Lane. It is surprising no public consultation has been carried out. Broadlees is not connected to the drainage system. There have been an increasing number of instances of drainage not coping and causing back up and overflow. Current owners have a cavalier attitude. Copies of CDM Regulations Documentation have been submitted for information.

Will affect views from the National Park since it is 500 metres from the boundary. Dappers Lane is used as access to the South Downs. In a series of Statements it has been made clear by Arun District Council that the area east of Dappers Lane is to be preserved as countryside. Site investigation, calculations and a full year's ground water observations will be required to demonstrate that the drainage arrangement will ensure that flood risk to others will not increase. Impact on wildlife is a concern. Retention of trees will soften the development and assist nesting birds and wildlife. Wide hedging and retention of trees is important. The road network is overcrowded. The village centre is a hazard. Speed limits are ignored by many drivers through the village. Dappers Lane is just that, a lane and cannot cope with additional traffic. The proposal would make an intolerable situation worse. Rural

outlook onto greenery is healthy living.

Comments on Representations received:

Comment on Parish Council - The site is considered to be an adequate distance from the National Park boundary to ensure no materially adverse impacts would result to visual amenity or light pollution. Comments relating to location of site outside the built up area boundary are agreed.

Comment on other letters of representation - Environment Agency, Southern Water and Engineers have no objection to the proposal in principle in terms of drainage or flooding subject to imposition of appropriate conditions. It is agreed that the amount of development on the site would adversely affect the character of the area. Most of the trees on the site are indicated for retention. The site is not sustainably located. It is agreed elderly residents would struggle to walk to local shops and facilities and would inevitably be reliant on travel by car.

CONSULTATIONS

Southern Water Planning
Environment Agency
WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Engineers (structural)
Planning and Housing Strategy
Council's Arboriculturist

Consultations responses received:

Structural Engineers - No structural comments, however a full site investigation including contamination testing is advised based upon the sites previous use, use ENGS3.

Engineers comments in respect to surface water drainage:

The FRA states that infiltration structures such as permeable paving and soakaways will be considered to dispose of surface water. Groundwater monitoring should start immediately, as we would expect that this would be undertaken from October through to March. As the weather has been mostly dry throughout the last couple of months we are happy for monitoring to start now.

Please apply standard conditions ENGD2A and ENGD5A.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests and design must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an

allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

County Ecologist - Having reviewed the Preliminary Ecological Assessment and the subsequent reptile survey; there is no ecological objection to the proposed development subject to the

imposition of suitably worded conditions.

Environment Agency - The site is located in Flood Zone 1, defined by the National Planning Policy Framework (NPPF) as having a low probability of flooding. In this instance, we have taken a risk based approach and will not be providing bespoke comments or reviewing the technical documents in relation to this proposal.

Affordable Housing Officer - The applicants have stated in their application that it is their intention to negotiate a commuted sum in lieu of providing affordable housing on site. They have not however set out why they believe the scheme is unable to provide any affordable housing.

There is no obvious indication in design terms why the scheme is unable to include an element of affordable housing. The Council has a strong demand for affordable housing for older people, both for rent and shared ownership, this application is a missed opportunity in contributing towards Arun's strategic housing objectives. The applicants will need to provide a detailed viability appraisal to set out why in economic terms the scheme is unable to provide on site affordable housing. The outline application in its current form cannot be supported as the applicants have not included on site affordable housing.

Southern Water - There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposal would increase flows to the public sewerage system and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Conditions and informatives are suggested.

Arboricultural Officer - Objection. The development proposal requires the loss of an Ash tree which is highly visible and merits protection. It would be expedient whilst making the Order to include other trees of merit that may be threatened by the proposals which would make up a cohesive and defensible order.

County Highways - No Objection in principle subject to imposition of appropriate conditions and obligations relating to the provision of a footway. Consideration should be given to the parking requirement for the care home element of the development through any subsequent reserved matters application relating to the layout.

County Planning - Contributions will be required in respect of libraries and fire and rescue.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage

[GEN12](#)
[GEN28](#)

Parking in New Development
Trees and Woodlands

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6

Interim Affordable Housing Policy

POLICY COMMENTARY

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

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

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site lies in the countryside, outside the built up area boundary in an area where development unrestricted to the needs of agriculture, forestry or recreation, is strictly controlled. This proposal for residential accommodation, albeit for the elderly, would therefore be contrary to policies GEN2

and GEN3 of Arun District Local Plan. In addition no compelling or overriding justification has been given for development of this type in a countryside location. Other development sites are currently being discussed in Angmering and it has not been demonstrated why the proposal could not be located within these areas instead of encroaching further into the countryside.

The site is readily visible from Dappers Lane and Water Lane. Whilst tree screening does exist and will be supplemented the sloping elevated nature of the site would result in the development being clearly visible from public viewpoints from outside the site which would adversely affect the visual amenities and rural character of the area. The number of units proposed and amount of development on site would leave little space around the buildings which would result in the perception of development across most of the site and would be out of keeping with the general pattern of development on this side of Dappers Lane which is generally defined by detached buildings on the site frontage and glasshouses/fields to the rear.

The previous permitted use on the site for a medical centre was justified as an exception to policy on the basis of the community benefit that would accrue. No such case can be made in relation to this proposal.

The location of the site outside the defined built up area of Angmering within a remote and detached location from the village centre will mean that the predominant form of transport will be car borne. This will be particularly so given that the site is located on a slope and that the development will be age restricted. Such an unsustainable form of development is contrary to the principles of the NPPF.

The application is in outline form with only access forming part of the consideration at this stage. However it is clear from the submitted plans and tree report that a large Ash tree (T6) is proposed to be felled and this tree is worthy of protection and has now been made the subject of a Provisional Tree Preservation Order. The proposal is therefore contrary to policy GEN28 of Arun District Local Plan.

The application was submitted without discussions being undertaken with the Affordable Housing Officer prior to submission despite the fact that the agent's were previously advised of the requirement. The proposal as submitted is therefore contrary to the Council's Interim Affordable Housing Policy. It was also suggested at the pre-application stage that the applicant consult with County Highways. There is no evidence that this was undertaken since the application was submitted without any obligations relating to the provision of a footpath or commuted sums for libraries and fire and rescue being drawn up.

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

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 (the right to respect for 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 positive impacts have been identified upon those people with the following protected characteristics age and disability.

RECOMMENDATION

REFUSE

- 1 The proposal is unacceptable to the Local Planning Authority which seeks to control very strictly all residential development outside the built-up areas and, in particular, requires that permission will not normally be granted for the extension of isolated groups of houses or the consolidation of linear or sporadic development, and insufficient justification for such a departure has been made and therefore the proposal conflicts with policies GEN2, GEN3 and GEN7 of Arun District Local Plan.
- 2 The development of this site by the erection of 27 units of accommodation would constitute a cramped form of residential development which would be out of keeping and incompatible with the existing development in the locality in conflict with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy adopted on 18 August 2010
- 4 The site is not sustainably located and would result in an increased reliance on car borne travel which would be contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.
- 5 The development proposed generates a need for public infrastructure in the form of library and fire and rescue contributions which cannot be met in the locality. No contribution has been provided as part of the proposal. The development therefore conflicts with policy GEN8 of the Arun District Local Plan.
- 6 The Local Planning Authority is not satisfied that the proposed development can be undertaken without adversely affecting the health of the preserved trees contrary to policy GEN28 of Arun District Local Plan.
- 7 The development proposed generates a need for an obligation to provide a 2.0m wide footway and no obligation has been submitted as part of the proposal. The development is therefore contrary to policy GEN7(vii) of Arun District Local Plan.

- 8 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal at the Pre-application stage with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.