Recommendation Report for Planning Permission

REF NO: **A/135/16/PL**

LOCATION: Caretakers Cottage
Angmering School
Greenwood Drive Angmering

PROPOSAL: Replacement of existing bungalow with 3 No. dwellings (resubmission following A/20/16/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of bungalow and construct 2 semi-detached dwellings and 1 detached dwelling.
SITE AREA	0.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected.
BOUNDARY TREATMENT	1.8m high close boarded fencing.
SITE CHARACTERISTICS	Detached bungalow previously used by school caretaker. The bungalow is constructed from brick with uPVC windows and a tiled roof.
CHARACTER OF LOCALITY	Predominantly residential and features properties to the north of a varied design and appearance. Angmering School is located to the south-east of the site.

RELEVANT SITE HISTORY

A/20/16/PL	Replacement of an existing bungalow with a detached chalet style dwelling & a pair of semi-detached chalet style dwellings. This application is a departure from the development plan	App Cond with S106 20-04-2016

Planning permission was previously granted for the same scheme under reference A/20/16/PL. This application has been made following a change in the law in relation to affordable housing contributions and has been made to negate the previous legal agreement.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Considered at Housing, Transport and Planning Committee meeting, 30/08/2016.

Objection on the following grounds, as advised previously:
Overdevelopment of plot
Adverse impact on surrounding area
Adverse impact on highway safety

The Committee is also concerned to note that the application appears to have been resubmitted solely in order to obtain release from previously-imposed s106 obligations.

1 No. letter of objection:
·I would like my written objection to the original application A/20/16/PL, to be entered as an objection to this re-submission namely overlooking and overbearing impact on neighbouring properties, the site is outside the built up area boundary and the position of the access is dangerous on a blind bend on a very busy access to the school.

Comments on Representations received:

Comments from Parish Council noted and are considered in the conclusion to this report. The resubmission to negate the legal agreement for affordable housing contributions is an acceptable means to avoid making this contribution following the court of appeal decision.

In response to the 1 no. letter of objection:
·The comments previously raised are considered in the conclusion to this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health

Consultations responses received:

WSCC Strategic Planning:
The Local Highway Authority (LHA) has been re consulted on this proposal and note that an additional Application form has been provided along with planning correspondence informing of the amended description.

The access, parking and turning provisions within this have not changed from that of the application A/20/16/PL; to which the LHA raised No Highway Objections.

Therefore for Highways Safety advice, please refer back to the response of A/20/16/PL when considering this application and for any related conditions and informatives.

Engineers (Drainage):
Soakaways proposed.

Please apply standard conditions ENGD2A.

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

location.

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

Environmental Health:
No comment

Comments on Consultation responses:

Comments noted and relevant conditions included.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA11	Local Gaps
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design SD SP3 Gaps Between Settlements
Angmering Neighbourhood Plan 2014 POLICY HD1		Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3		Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD5		Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6		Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD8		Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9		Phasing of Residential Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

The Angmering Neighbourhood Plan has been made and policies HD1, HD4, HD5, HD6, HD7 and HD8 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

INTRODUCTION
The application is a resubmission of a previously approved scheme which is unaltered. The resubmission has been made to negate the legal agreement previously signed under reference A/20/16/PL.

Therefore, the report previously produced under reference A/20/16/PL has been reproduced below with minor alterations in relation to affordable housing.

PRINCIPLE
The site is outside of the built up area and within the Local Gap. Due to the location of the site it is not considered to accord with policy GEN3 of the Local Plan.

In the absence of a 5-year housing land supply relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date paragraph 14 establishes that permission should be granted unless one of the listed exceptions applies. The site would not be subject to exception under Paragraph 14 and as such it would be necessary to identify adverse impacts which would significantly and demonstrably outweigh the benefits.

The site is to the north of the primary access to Angmering School within the local gap. The development by virtue to its location near the school complex will not adversely encroach upon the local gap or result in the coalescence of settlements. The site already features residential development and as such the principle of a dwelling in this location has been established. It is considered that the proposal, despite the location within the Local Gap, accords with AREA11 (ii) of the Local Plan.

With other material considerations overriding the on principle objection to the proposed development it needs to be assessed against relevant policies which in this case are GEN7 of the Local Plan; policies HD4, HD5, HD6, HD7, HD8 and HD9 of the Angmering Neighbourhood Plan; and the NPPF.

HIGHWAY SAFETY
WSCC have determined the development would not result in a 'severe' impact upon the operation of the highway network. The development is considered to comply with paragraph 32 of the NPPF, in that there are no transport grounds to resist the proposal.

PARKING
Parking provision accords with the requirements of the WSCC Parking Demand Calculator with 1 no. space allocated for each unit and 2 no. visitor parking spaces. This provision is in accordance with Angmering Neighbourhood Plan policy HD8.

DESIGN AND VISUAL AMENITY
The proposal seeks permission for the construction of 2 no. semi-detached dwellings and 1 no. detached dwelling. The dwellings measure approximately 7.2m high, in comparison to the

development to the north of the site with 10 The Pines measuring 9m high and 7 and 8 The Pines measuring approximately 8.8m high.

The semi-detached dwellings feature a half hipped roof when viewed from the south, whilst the detached unit feature a gabled end which integrates well with the existing street scene. The dwellings are considered to appear well integrated with existing residential development to the north of the site by virtue of their design and orientation. The dormers are considered not to appear overly bulky or detrimental to the design and scale of the dwellings. The proposed dwellings are considered to accord with GEN7(ii) and HD5 & HD6 of the Angmering Neighbourhood Plan.

The development has a density of 23 dwellings per hectare which is considered acceptable in this location. Development to the north of the site (the 11 dwellings located immediately to the north) has a density of 25 dwellings per hectare. The proposal complies with the requirements of policy HD7 of the Angmering Neighbourhood Plan in that the development is "of a lesser density than neighbouring areas of residential development".

Details of the materials have not been provided and to ensure the proposal fully integrates with development to the north a condition has been included requiring submission of these details. This will ensure that the proposal does not adversely impact upon the character and appearance of the area in accordance with GEN7(ii) of the Local Plan and Policy HD6 of the Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY
The detached dwelling will be located 6.5m from the north boundary of the site with the semi-detached dwellings located 5m from the north boundary with the properties to the north located at their closest point approximately 13.5m away. This distance is considered adequate to overcome any unacceptably adverse overbearing or overshadowing impacts.

The bathroom windows and roof light at the top of the stairs are intended to be conditioned to remain obscurely glazed and non-opening (unless the part of the window that opens is located more than 1.7m above floor level of the room in which the window is installed). The bedroom windows will give rise to some overlooking but this will be at oblique angles with existing dwellings to the north being located more than 20m away. The overlooking generated by the development is not considered unacceptably adverse.

The development is not considered to give rise to unacceptable harm to residential amenities of neighbours and is deemed to comply with the limitations of GEN7(iv) of the Local Plan.

The rear gardens of the dwellings will be of sufficient depth and provide sufficient private amenity space to comply with the requirements of policy D DM3 of the Emerging Local Plan. Whilst, the dwellings will have an internal floor area of 85.3 m2 and comply with the requirements of the Nationally Described Space Standards. The dwellings are deemed to comply with the requirements of Paragraph 17 of the NPPF.

AFFORDABLE HOUSING
Such contributions are no longer sought following the Court of Appeal decision Secretary of State for Communities and Local Government and West Berkshire District Council and Reading Borough Council where the requirement for a financial affordable housing contribution for

residential development of 10 or less units was abolished.

SUMMARY
Although, the proposal does not accord with policy GEN3 of the Local Plan by virtue of its position outside of the built up area boundary, the development is not considered to result in unacceptably adverse harm. The proposal is deemed to comply with policies AREA11, GEN7 of the Local Plan and the NPPF.

It is recommended that permission is granted for the development subject to conditions below.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans: Proposed Site Plan - 1030/11c; Proposed Street Scene - 1030/10; Proposed Ground Floor Plan - 1030/05; Proposed First Floor Plan - 1030/06b; Proposed

Ground Floor and First Floor Plan - 1030/08; Proposed Elevations - 1030/07b; Proposed Elevations - 1030/09.

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
· measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
· Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

6 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

8 The first floor roof lights and bathroom windows shall at all times be obscurely glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed.

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

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

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

10 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

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

11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

13 INFORMATIVE: This decision has not been granted in conjunction with a Section 106 legal agreement relating to affordable housing.