

Recommendation Report for Planning Permission

REF NO: A/146/18/PL

LOCATION: Land adjacent to
4 Gladstone Cottages
Water Lane
Angmering

PROPOSAL: Construction of new semi-detached dwelling extending existing terrace of cottages.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal relates to the provision of a 2 bedroom, 2 storey end of terrace dwelling.
SITE AREA	145sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	70 dwellings per hectare
TOPOGRAPHY	The land slopes significantly uphill at the rear and towards the north-eastern corner of the site.
TREES	There are a number of trees of significant height that will be removed through this proposal. However, these are not considered worthy of retention.
BOUNDARY TREATMENT	Hedging to the front at approximately 2m in height with trees and hedging over 2m along the northern and eastern boundaries.
SITE CHARACTERISTICS	The site currently forms the side garden of 4 Gladstone Cottages and is used in part for car parking
CHARACTER OF LOCALITY	The application site is part of a residential street with a two storey terraced row of Gladstone Cottages located immediately to the west. There are two storey terraced properties situated opposite and a two storey detached property called Banky Field immediately to the east. The site is located at the eastern section of Water Lane which marks one of the main entry points into Angmering village, particularly from the A280.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council
No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Southern Electric

Environment Agency

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Informative requested.

County Highways - No Objection. Considering the benefit of clearing the existing vegetation the demonstrated visibility is acceptable. Arguably, two cars could already park via the existing crossover and it is not considered that a severe increase in use of the access point would occur.

The proposals are in line with paragraph 109 of the National Planning Policy Framework in that safe and suitable access can be provided for the development and there are no transport grounds to resist the proposal. Splays for both parking spaces should be provided on a single plan, indicating splays from each driver position, details of which can be secured via condition.

Environment Agency - Objection. The current FRA is inadequate.

COMMENTS ON CONSULTATION RESPONSES:

- Comments noted. It is not agreed that visibility can be controlled adequately by a condition since land within the splays may fall outside the application site on land over which the applicant has no control. The agent has therefore been asked to provide details prior to approval of the proposal to ensure splays are achievable. No further details have been received.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Classified Road

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
ECCSP2	ECC SP2 Energy and climate change mitigation

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

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. Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design and HD8: Parking for New Developments of Angmering Neighbourhood Plan are considered relevant.

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 whilst it would have no adverse effect on the character of the area or the residential amenities of adjoining properties it does not demonstrate adequate visibility or flood risk.

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 key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design and HD8: Parking for New Developments of Angmering Neighbourhood Plan and the NPPF. The application seeks approval of an additional end of terrace dwelling.

DESIGN AND VISUAL AMENITY

The existing dwelling is located within an area characterised by mainly large 2 storey terraced properties of similar design and footprint with limited space in front of the properties as they abut the road frontage. The appearance and scale of the proposed dwelling is identical to the other dwellings in the terrace and is in keeping with other properties in the locality in terms of its design and position within the plot and is in keeping with the general pattern of development in the locality. It is considered the spatial pattern and character of the locality will be retained. The materials of the dwelling are not specified and a condition could be imposed to ensure that they accord with the adjoining dwelling and assist in visual integrating the property into the existing terrace. The proposal therefore accords with policies DDM1(1),(2),(13),(14),(16) and DSP1 of Arun Local Plan and HD5 and HD6 of Angmering Neighbourhood Plan.

The land slopes quite steeply to the rear of the site and a condition relating to site levels to ensure that the dwelling and parking spaces accord with the levels at the site frontage could be imposed.

RESIDENTIAL AMENITY

The 2 storey dwelling would be located at the end of the terrace fronting Water Lane. It would have an eaves height of 4.9m and a ridge height of 7.6m. Given the design, siting and height of the structure it would not result in materially adverse overbearing impacts. It would be 10m from the nearest dwelling to the east and would not project beyond the rear elevation of the existing dwelling. The first floor window in the rear elevation is indicated to be obscure glazed to prevent any adverse overlooking resulting to the garden of the existing dwelling. The first floor window in the side elevation would be obscure glazed and would not therefore result in a loss of privacy to the dwelling to the east. The proposal therefore accords with policy DDM1(3) of Arun Local Plan.

SPACE STANDARDS

The proposal accords with the Nationally prescribed space standards. It has a gross internal floor area of approximately 70sq m. which meets the guideline for a 3 person 2 bedroom house and the proposal is therefore considered acceptable. The garden area is also readily comparable with other terraced dwellings in Gladstone Cottages. The application has been amended since originally submitted to reduce the garden area of the proposed dwelling and increase the garden left to serve the existing neighbouring dwelling. This has resulted in the existing dwelling retaining a garden area commensurate with no 3 to the west.

HIGHWAY SAFETY AND PARKING

County Highways have raised no objection to the proposal on highway grounds subject to provision of adequate visibility splays on land over which the applicant has control. The matter of ownership remains outstanding. On this basis the proposal is not compliant with policy TSP1 which requires safe access to the highway network for any development. One off road parking space is being provided for the existing and proposed dwelling.

FLOODING

According to Environment Agency flood maps and records the proposed development is shown to be

within a Flood Zone 3a (high risk) and as the site address suggests there is long history of flooding and drainage issues within the immediate vicinity. It is evident that flooding has affected no.4 Gladstone Cottages and a level of 6.21m AOD from the 1980 flood event was recorded.

The main cause of flooding is surcharging from the culverts, which overtops and runs along the route of Water Lane. Flooding is also exacerbated by traffic driving through floodwater which sends a bow wave into the adjoining properties.

The FRA makes reference to the installation of a flood barrier. No information has been provided as to where this is to be located, and whether it may ultimately deflect flood water to third parties.

The FRA (which was written in 2016) often makes reference to climate change allowances, but apart from Page 11 which indicates a figure of 20%, the revised climate change figures for fluvial flows is now 45%. Therefore flood depths and levels will need to be reassessed.

The proposal is therefore contrary to policy W DM2 of the Arun Local Plan.

CONCLUSION

The application is therefore recommended for refusal for the following reasons

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

REFUSE

- 1 The site lies within Flood Zone 3a defined by the Planning Practice Guidance as having a high probability of flooding and the site has previously flooded.

The submitted Flood Risk Assessment (FRA) makes reference to the installation of a flood barrier. No information has been provided as to where this is to be located, and whether it may ultimately deflect flood water to third parties.

The FRA (which was written in 2016) often makes reference to climate change allowances, but apart from Page 11 which indicates a figure of 20%, the revised climate change figures for fluvial flows is now 45%. Therefore flood depths and levels will need to be reassessed.

The proposal is therefore contrary to policy WDM2 of Arun Local Plan and the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance for Flood Risk and Coastal Change in that it has not been satisfactorily demonstrated that the risk of flooding has been adequately addressed.

- 2 It has not been satisfactorily demonstrated that suitable splays for both parking spaces, including splays from each driver position can be provided within the site or across adjoining land controlled by the applicant. The proposal is therefore contrary to policy TSP1 of the Arun Local Plan.
- 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 discussing those 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.