

Recommendation Report for Outline Consent

REF NO: A/151/20/OUT

LOCATION: Land to South of Downes Way(north of 15 Ambersham Crescent)
Downes Way
Little Hampton
BN16 1AA

PROPOSAL: Outline application for all matters reserved for the erection of 1 No. detached dwelling with associated landscaping and parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought for outline approval for the erection of a single dwelling with all matters reserved which include layout, scale, appearance, access and landscaping.
SITE AREA	565 sq.m.
RESIDENTIAL DEVELOPMENT DENSITY	18 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Open boundaries to the site. Abutts a 2m wall running along side of 15 Ambersham Crescent.
SITE CHARACTERISTICS	A grassed area of informal open space serving surrounding housing estate.
CHARACTER OF LOCALITY	A residential area.
None.	

REPRESENTATIONS

Angmering Parish Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection subject to building regulations.

WSCC Highways - No objection subject to comments on the reserved matters stage application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
TSP1	T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY HD5](#) Built Form

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

Policies HD 5 and HD 8 of the Angmering Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that the development of the site will result in the loss of a useable and valuable piece of informal open space and would serve to detrimentally alter the character and appearance of the area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The application falls to be assessed against policies within the Arun Local Plan (ALP) which include policies D DM1, D SP1, HWB SP1, OSR DM1 and T SP1. Additionally policies HD5, HD6 and HD8 of the Angmering Neighbourhood Plan are relevant.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HWB SP1 All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular regard shall be had to providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space.

Policy OSR DM1 states that existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy HD5 on the Angmering Neighbourhood Development Plan states that proposals should demonstrate their consideration of the proposal on its surrounding. This means that the proposed development should conform to the existing built form of the area, and constitute a positive addition to the current style, and mix. New development must integrate well with the character of the locality, and its landscape setting. Finally, it should not adversely impact upon the landscape setting.

Policy HD8 supports the WSCC parking standards and encourages all new development to follow them.

DESIGN AND VISUAL AMENITY

The current layout of the open space is in accordance with the nearly adopted Arun Design Guide (ADG) part H.03 which promotes adequate natural surveillance and supports the presence of differing open spaces to meet the needs of local users. To develop the site would run contrary to the provisions of the ADG.

The deletion of this section of open space would affect the openness of the area and would harm visual amenity in the area. Currently the area fronting Downes Way is characterised by properties set back from the highway. By building and erasing this area of open space and bringing development hard up against the highway would substantially and harmfully alter the character of the area in conflict with policies DSP1, DDM1(1) and (13) of the Arun Local Plan and policy HD 5 of the Angmering Neighbourhood Plan.

HEALTH AND WELLBEING

In line with the Health and Wellbeing policy HWB SP1 of the Arun Local Plan development should maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The proposal would remove an area of accessible open space part of the local infrastructure which lends itself to physical exercise and health. In doing so it would adversely affect health and wellbeing in the area in conflict with policy HWB SP1 of the Arun Local Plan.

OPEN SPACE

Policy OSR DM1 states that existing open space should not be built on or redeveloped for other uses. The proposal would build over an area of informal open space contrary to policy OSR DM1

RESIDENTIAL AMENITY

The application as submitted contains an indicative layout and elevations. The new building would substantially be between the building lines of the neighbouring dwelling such that no loss of light, overbearing impact or loss of privacy would occur as a result. The proposal would therefore accord with policy DDM1(3) of Arun Local Plan.

HIGHWAY SAFETY AND PARKING

County Highways have raised no objection to the proposal on highway grounds. On this basis the proposal is considered compliant with policy TSP1 which requires safe access to the highway network for any development. 1 off road parking space is shown to be provided which is a shortfall of one space from what is required according to the Arun Parking Standards Supplementary Planning Guidance. This however is an in principle application with drawings for indicative purposes only such that this should not form a reason for refusal at this stage.

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 (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 Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION**REFUSE**

- 1 The proposed development would result in a significant reduction in an area of open space which is one of a number of similar areas which are integral to the character and appearance of the locality and which also contribute to the health and well-being of local residents. Any significant reduction in quality or quantity of these open spaces would result in significant harm contrary to the aims and intentions of policies D SP1,D DM1, HWB SP1 and OSR DM1 of the Arun Local Plan.
- 2 **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.