

REPORT UPDATE

Application No: A/158/08/

Reason for the Update / Changes

Reason for Update/Changes:

Consultation: District Pollution Officer: Environmental Health has no objection to the new proposed houses with gardens. However as the remediation on the site has not been completed yet, please apply the full contaminated land conditions. These are the same conditions that were placed on the previous application A/5/07. From the reports and work that has taken place so far at the site some of the conditions will have already been passed if/when permission is granted.

Officers Comment:

The suggested conditions have already been applied as they were also required by the Environment Agency.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

A/158/08/

PLANNING APPLICATION REPORT

REF NO: A/158/08/

LOCATION: Station Road
Angmering

PROPOSAL: Erection of 11 dwellings with rear parking court & associated landscaping

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Provision of 11no. dwellings by way of a terrace of 5no. 3 bedroom 2 storey dwellings on the north and northwest of the site fronting the A259 and the roundabout with Station Road.

A terrace of 3no. 2 bedroom 2 storey dwellings and 2no 3 bedroom 2 storey dwellings in semi-detached form on the west boundary facing Station Road.

1no. 2 bedroom flat over a quadruple garage located on the southeast elevation.

There will also be a row of 5 further garages and 9 parking spaces located in the rear middle section of the site. 2 car parking spaces between plots 5 and 6 and a parking spaces opposite plots 3 and 4, making a total parking provision of 21 spaces.

Vehicular access will be off Station Road.

SITE AREA	0.22 hectares
RESIDENTIAL DEVELOPMENT DENSITY	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None on the site. Some trees outside the site on WSCC land.
BOUNDARY TREATMENT	The site currently is enclosed by developers boarding some 2m in height. Boundaries to east approx. 2m high. One of the neighbouring properties has a flank wall of their garage very close to the site boundary.
SITE CHARACTERISTICS	The site was formerly a petrol filling station which has now been demolished. At the time of the site visit evidence that the underground tank removal has taken place.
CHARACTER OF LOCALITY	<p>Predominantly residential. Main A259 road with a large roundabout to the north of the site, with a pedestrian footbridge crossing near the north end of the site.</p> <p>No. 7 to the east is a 2 storey detached dwelling with other properties in Heathfield Avenue bungalows.</p> <p>Mile Ash to the rear, facing Station road, is a 2 storey dwelling with a detached garage to its rear.</p> <p>The Angmering Railway Station is further along Station Road to the south of the site together with its associated railway crossing.</p>

RELEVANT SITE HISTORY

A/192/90	Erection of services building to incorporate car wash water reclaim unit	Approve Cond 28-01-1991
A/5/07/	Residential development of 21 flats (Re-submission following application A/85/06/)	Approved Cond 16-05-2007
A/145/71	Partial demolition and redevelopment of petrol service station	Approve Cond 19-11-1971

A/165/81	1 X 1200G u/g storage tank new canopy retail sales Kiosk and 4 pump island New boundary wall	Approve Cond 07-04-1982
A/167/83	Erection of building to enclose car wash unit	Approve Cond 26-10-1983

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection in principle however the Parish Council committee were disappointed to find that the number of dwellings proposed falls just short of a number that would provide statutory planning gain. The PC committee would querey whether the refuse area is adequate for 11 properties.

1 letter of objection. Dwellings back onto the boundary of the neighbouring garden, 1st floor windows need to be obscure glass. A dwelling sides onto neighbouring property and will therefore result in overlooking. The refuse store is close to boundary with neighbouring property which will result in an odour nuisance. Noise pollution will occur from the construction and the new inhabitants. Are the properties intended for owner occupied dwellings? Properties will be difficult to sell in the current economic climate unless they were for social housing or rented to housing associations.

Comments on Representations received:

As can be seen under "Consultation responses received" there is a requirement for several items requiring financial contributions.

The flat over the garage is some 2m to the side elevation of the neighbouring garage and the side elevation of the 2 storey dwelling will be some 5m to the side elevation of "Mile Ash". There is a small 1st floor en suite window in the proposed dwelling which is not considered to result in unacceptable harm onto the neighbouring property.

CONSULTATIONS

WSCC LDD (ROW/Strategic/Highways/Archaeology/Ecology)

David Nuttall - Senior Planning Engineer

Environment Agency

Parks and Landscapes- Philippa Dart

Environmental Health - John Green

Engineering Services Manager

Engineers (Fluvial Flooding)

Consultations responses received:

Environment Agency: No objection in principle.

County Infrastructure: No objection, subject to the following infrastructure contributions:

Education: Primary £26,820

Education: Secondary £26,865

Education: 6th Form £6,762

Fire & Rescue: £287

Total Contribution: £62,734

County Highways: No objection. The site was previously used as a petrol filling station with 2 vehicular crossovers on the Station Road frontage. The crossover immediately south of the A259 roundabout was used as an entrance whilst the one further to the south was used as an entrance and exit to and from the forecourt area. Having regard to the former use of the site, the development of the site for residential purposes will result in a reduction in vehicular activity to and from the site.

The northern crossover will be closed and the southern access is moved further south . By moving the access further south, the maximum sight lines to the north for emerging vehicles has been achieved.

District Parks and Landscape: In accordance with the current Supplementary Planning Guidance on open space and recreation standards a development of this size must provide public open space as part of the development. In the case of 11 houses an area of 633m² would be required.

The SPG also requires a contribution of £1000 per household for off site play provision for the development. A contribution of £11,000 is therefore required.

Several trees outside the red edge exist which may be affected by the development. The application must provide information on how the development will allow for the satisfactory retention of these trees in accordance with BS 5837.

District Environmental Health: The applicant should submit revised noise and contaminated land assessments to take account of the proposed changed layout (from the approved flats), which will include residential gardens.

With regard to the contamination issues, the method statement and verification options submitted for the earlier flats application, are also suitable for the proposed development.

Southern Water: No objection subject to a condition regarding surface water disposal.

Comments on Consultation responses:

Comments noted. The application, if approved, will be subject to a S106 Legal Agreement requiring the monies as indicated.

With regard to the open space provision, the site is clearly not large enough to provide the open space provision. However given that there is an extant permission for 21 flats together with the fact that Arun has a greater need for 3 bedroom houses than 2 and 1 bedroom flats, it is considered that in this instance no open space be provided on site, subject to the applicant entering into an agreement to make a financial contribution in lieu of on-site provision.

POLICY CONTEXT

Designation applicable to site:

Within the built-up area boundary.
Class A road.

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan: [LOC1](#)

Locational Strategy

Arun District Local Plan:	CH1	Character
	DEV1	High Quality Development
	DEV3	Infrastructure Requirements
	DEV5	Parking Provision
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
	GEN31	Contaminated Land

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS23	Planning and Pollution Control

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.

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 does not provide open space in accordance with Supplementary Planning Guidance, together with Local Plan policy GEN20 with regard to public open space provision.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background, namely that with regard to housing provision the District Council are in greater need of 3 bedroom dwellings than 1 and 2 bedroom flats and a S106 contribution would also be made towards improving local play and open space facilities.

CONCLUSIONS

As can be seen by the history of the site of this former petrol filling station, permission has been gained to redevelop the site by way of the provision of a block of 21no. flats. The block was a

reverse 'L' shape and ranged from 2 to 2 1/2 and 3 storey in height. The parking for the use was largely contained to the rear of the site, abutting properties in Heathfield Way.

The current application seeks to amend this scheme to 11no. dwellings with gardens. It is considered that the scheme will be acceptable on this site, and adequate separation has been maintained between the new dwellings and the neighbouring properties. The design of the development is considered satisfactory and the layout and design pay good respect to the visual prominence of the site.

Whilst no open space provision can be provided on the site, it is considered that given the extant permission for 21no flats together with the fact that Arun is in greater need for 3 bedroom housing than 1 and 2 bedroom flats, the proposal will be acceptable. The design of the dwellings is satisfactory in this location and the properties will have garden facilities.

A landscaping condition will be attached to any approval requiring that construction works accord with BS5837 and that details of planting shall be submitted to and approved by the LPA.

The proposed dwellings will sit comfortably within this site and will not result in a loss of character or visual amenities of the locality.

It is therefore recommended that the application be approved subject to the following conditions and a S106 Legal Agreement with regard to infrastructure provision together with a commuted payment for childrens play area and public open space.

However, if a satisfactory S106 Legal Agreement is not entered into by 20th March 2009, it is recommended that permission be refused on grounds that the development would place additional demands on local infrastructure that cannot presently be met without compensatory improvements.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 No development shall be carried out 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 by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, the the Local Planning authority:

1) A preliminary risk assessment which has identified:

- * all previous uses
- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The schem shall be implemented as approved.

Reason: To protect controlled waters from contamination in accordtance with the principles contained in PPS23 : Planning and Pollution Control

- 4 A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness ofthe remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason To ensure the satisfactory remediation of the site, if deemed necessary, in accordance with the principles contained in PPS23 : Planning and Pollution Control

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason. To protect controlled waters from contamination in accordance with the principles contained in PPS23 : Planning and pollution Control. due to the current and historic uses of the site, there may be areas of contamination on site that have not been identified and characterised.

- 6 No infiltration of surface water drainage into the ground is permitted other than with the

express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect controlled waters from contamination in accordance with the principles contained in PPS23 : Planning and Pollution Control

- 7 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters from contamination in accordance with the principles contained in PPS23 : Planning and Pollution Control.

- 8 The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the provision of sustainable drainage for the site, that minimises the risk of pollution to controlled waters and flooding in accordance with the principles contained in PPS23 : Planning and Pollution Control, and PPS25 : Development and Flood Risk

- 9 The building shall not be occupied until the parking spaces and cycle storage shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and cycle storage.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1, DEV5 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 10 The building hereby permitted shall not be occupied until all accesses to the site other than hereby approved have been stopped up permanently and obliterated and the reinstatement of a continuous footway and full-faced kerb are provided in the location of the redundant norther crossover.

Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 11 The buildings shall not be occupied until the bin storage as shown on the submitted plans has been provided and constructed. The areas of land so provided shall not thereafter be used for any other purpose.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 12 Before the buildings hereby permitted are occupied elevational details of the bin enclosure shall be submitted to and approved by the Local Planning Authority and the bin store shall be constructed in accordance with the approved plans.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 13 No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees on the boundaries of the site and details of the measures for their protection in the course of development.

Reason: In the interests of amenity and of the environment of the development in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 15 INFORMATIVE: The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Local Planning Authority. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

- 16 INFORMATIVE: The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.

- 17 INFORMATIVE: This application is subject to a S106 Legal Agreement with regard to a financial contribution towards Education and Fire Services together with childrens play area and public open space provision.

- 18 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd., Anglo St. James House, 39A Southgate Street, Winchester, SO23 9EH (01962 858688), or www.southernwater.co.uk

- 19 INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: DEV1, DEV3, DEV4, DEV5, LOC1

LOCAL PLAN: GEN7, GEN8, GEN9, GEN12, GEN31

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPS23

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

- 20 Construction work shall not begin until a scheme for protecting the proposed noise-sensitive development from noise from the adjacent road has been submitted to and approved by the Local Planning Authority. All such works which form part of the scheme shall be completed before any part of the noise-sensitive development is occupied.

Reason: To safeguard the occupiers of the development in accordance with PPG24.