

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: A/168/18/RES

LOCATION: Merry England Nursery
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Application for approval of reserved matters following outline planning permission A/142/16/OUT for the demolition of existing buildings & erection of 17 no. dwellings, refurbishment of 1no 3bed dwelling & the provision of pedestrian footpath adjacent to Dappers Lane

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application form has been amended to reflect that appearance is no longer to be considered as a reserve matter as part of this application submission. The full application looks to approval of reserved matters following outline planning permission A/142/16/OUT for the demolition of existing buildings & erection of 17 no. dwellings, refurbishment of 1no 3bed dwelling & the provision of pedestrian footpath adjacent to Dappers Lane.
SITE AREA	Approximately 1.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 15.9 dwellings per hectare
TOPOGRAPHY	A Land level serve has been provided to highlight the slight rise in land on access to the site.
TREES	The site features a number of trees the majority of which are on the south and west boundaries. Under the Outline application A/142/16/OUT, the proposed layout was identified by the Council's Tree Officer as having a limited impact upon the tree stock. A number of trees shown as being retained. It has been identified that no Tree Preservation Order would be required.
BOUNDARY TREATMENT	Post and rail fencing, trees and hedging. In particular existing tree shall retained running the sites East boundary abutting Dappers Lane.
SITE CHARACTERISTICS	The site is situated outside of the built up area and occupied by a detached two storey brick dwelling with a tiled roof. To the east of the dwelling is a barn and stables with the north-east corner of the site given over to paddocks. The southern portion is mowed grass.
CHARACTER OF LOCALITY	Rural with limited residential development to the east of Dappers Lane, to the north and south of the site are former nurseries used largely for commercial purposes with open

fields to the east of the site. To the west of Dappers Lane is residential development within the built up area boundary.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council - No response

2 neighbouring objections:

A neighbouring occupier at Crete Nurseries: Attention to a few points within the drainage report: posted 21/03/2019. 1.10 groundwater monitoring should be carried, this does not appear to have been completed. It also recommends in point 1.14 that infiltration testing to BRE365 should be carried, again this does not appear to have been completed. In point 3.3, SuDS drainage hierarchy, and in the conclusions that surface water to be discharged into the water course (ditch) on the sites western boundary. This would increase the flow within the water course which already on occasions has been seen to over top its banks and flood the adjacent lane.

A further neighbouring objection at 2 Styles Field, Dappers Lane:

- Dappers Lane should remain countryside in appearance it is not suitable for grassy banks, close boded fencing and flag poles.

- The footpath will be enough of an eye saw without destroying the natural verges and hedgerows, will ADC please insist on the Developer maintaining the appearance of Dappers Lane and not allowing it to become a commercial advertising show board.

- The eventual occupiers of the properties if asked would prefer it not just to be another estate from a rubber mould but in keeping with its surroundings.

COMMENTS ON REPRESENTATIONS RECEIVED:

The issues raised are covered in the conclusions section of the report.

CONSULTATIONS

Sussex Police-Community Safety

Environment Agency

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

Environmental Health

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

Planning and Housing Strategy

Ecology Advisor

South Downs Society

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS:

Comments received: 07/01/19

As part of A/142/16/OUT the access strategy and trip generation was agreed with the LHA. The Transport Statement (TS) included a stage 1 Road Safety Audit (RSA) and trip rate information computer system (TRICS) data.

Layout & Parking:

The parking calculator requires the provision of 47 spaces where 53 are proposed. This is acceptable as the number of spaces meets the location. What is not known is if the applicant wishes to offer up the internal state road for adoption under Section 38 Agreement.

TREES

Under the Outline application A/142/16/OUT, the proposed layout has been identified by the Council's Tree Officer as having a limited impact upon the tree stock. A number of trees shown as being retained. It has been identified that no Tree Preservation Order would be required. This opinion is retained by the current Tree Officer subject to a pre commencement condition requiring an up to date tree protection plan that reflects the revised layout.

GREENSPACE:

Comments received: 25/02/19

Can advise that the scheme proposed is comprehensive, detailed and suitable for situation having a varied and appropriate planting mix proposed with a good palate of both evergreen and deciduous trees and shrubs. The trees proposed are sufficient in height to provide instant impact whilst still being an appropriate size to aid establishment.

The detailed planting plan Dwg No LSP/073/001 Rev - is lacking the detailed plant numbers for the hedges' ornamental shrub mix and ground cover planting mixes which we would need confirmation of in plan form.

Therefore not to recommend to approve the landscaping reserved matters on this application A/168/18/RES

Comments received: 27/02/19

Plan LSP/073/001 REV A containing specific plant quantities, although we cannot confirm that the detail now submitted in plan form does provide the information required to be able to recommend approval of the landscaping reserved matters on this application A/168/18/RES.

Comments received: 07/03/19

Plan LSP/073/001 Rev B landscape proposals, I can confirm that the information now submitted contains the level of detail re the locations for the specified planting along with species choice, numbers and size at time of planting.

I would therefore now be able to recommend to approve the landscape reserved matters on application A/168/18/RES.

SUSSEX POLICE: Comments received:

- Please to see parking bays at the front of the plots at North of the site have been moved to a position away from the entrance in Dapper Lane & where there is better surveillance provided by plots 17 & 18.
- Footpath in Dappers Lane leading into the junction with the development should be a min 2m width.
- physical barriers may also have to be put in place where desire lines places users in danger such as busy road junctions.

SOUTHERN WATER:

No public surface sewers - alternatives required SUDS - reliance on Council technical staff to recommend and control appropriate mitigation.

ENGINEERS (DRAINAGE):

Comments received: 05/03/19

Initial concern due to the lack of ground investigation data, lack of winter groundwater monitoring and lack of winter percolation testing results. Without this information it is incredibly difficult to ascertain if there will be adequate space on site to accommodate surface water drainage. Some further initial comments/queries regarding the current proposals in relation to discharge rates proposed, condition of watercourse to receive water, location of proposed fencing, location of proposed trees.

Comments received: 20/03/19

Drainage was unsure on what their proposals are for foul water. There doesn't appear to be a public sewer in close vicinity to the site.

Comments received: 02/04/19

Details how surface water will be disposed of if infiltration is found to be unviable. This can be treated as a worst case approach to design for surface water drainage. The information provided indicates that sufficient space is available to adequately accommodate surface water drainage features.

The pond indicated on the plans has a side slope of 1 in 1, this would not be appropriate. We require 1 in 3 side slopes to ponds as a result of; safety fears, maintenance feasibility, long term stability and ecological aspects. This would result in slightly more space being required for surface water drainage features than is currently shown. However, there is potential for tanks to increase in size to accommodate this further volume.

As detailed by condition 4 on the outline planning decision notice infiltration must be fully investigated. It is hoped that the area requirements for surface water drainage features can be reduced if infiltration is found to be viable.

Consideration to remove the objection to the reserved matters application based on the information supplied is acceptable. The applicant must note that full details to discharge conditions 4, 6 and 7 must be submitted and agreed prior to commencement.

Comments received 1st March 2017:

Our earlier comments still apply. No additional comments

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions incorporated into recommendation report.

POLICY CONTEXT

Designation applicable to site:

Built Area Boundary & SD7 (strategic site) of the Local Plan 2018

DEVELOPMENT PLAN POLICES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

[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 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

Whilst an NDP is under preparation it will be afforded limited 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).

Policies contained in the Amering Neighbourhood Development Plan HD6 & 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."

CONCLUSIONS

PRINCIPLE:

The principle of the development of this site has been established under A/142/16/OUT therefore can there be no objection in terms of the location of the site within the Built up area boundary and the principle of 17 new dwelling units, access and the scale of development. The key issues to be considered are ones of layout, drainage and landscaping on the site.

We note the comments of neighbouring objectors however the appearance of the dwellings is not a material planning consideration of this case.

DRAINAGE/FLOODING:

Policy W DM3 states to increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. The layout of a new scheme must provide source control feature to include - permeable driveways & Parking, Soakaways, water harvesting and storage facilities including water butts. To ensure that SUDS discharge water from the development at the same or lesser rate, as prior to construction, developers must satisfy the criteria F to J.

The application site is situated within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. West Sussex County Council (WSSCC) Flood Risk Management Team identified when consulted during A/142/16/OUT that the site as being at low risk from surface water flooding and of negligible risk of groundwater flooding.

The applicants have identified that the proposal will be connected to the main sewer network where capacity exists. This is now not found to be the case.

We note the comments of local residents on the points raised in the above consultation, further details are required to fully demonstrate all the requirements subject to condition.

Arun District Council drainage engineers suggest the lack of ground investigation data, lack of winter groundwater monitoring and lack of winter percolation testing results. Without this information it is incredibly difficult to ascertain if there will be adequate space on site to accommodate surface water drainage.

Further information provided details on how surface water will be disposed of if infiltration is found to be unviable. This can be treated as a worst case approach to design for surface water drainage. The information provided indicates that sufficient space is available to adequately accommodate surface water drainage features. The provision of a pond indicated on the plans has a side slope of 1 in 1, this would not be appropriate. The scheme requires 1 in 3 side slopes to ponds as a result of; safety fears, maintenance feasibility, long term stability and ecological aspects. This would result in slightly more space being required for surface water drainage features than is currently shown. However, there is potential for tanks to increase in size to accommodate this further volume.

The earlier objection has been omitted to this application subject to the information supplied. Not with standing this the applicant that full details to allow for the discharge of conditions 4, 6 and 7 of A/142/16/OUT must be submitted and agreed in writing prior to commencement.

LAYOUT & LANDSCAPING:

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 HD6 of the Angmering Neighbourhood Development Plan looks at encouraging layouts that retain important trees and hedgerows. The planting of new trees and shrubs of similar species to those already evident in the immediate surroundings shall be encouraged. The Council's Greenspace team appear satisfied that the level of detail as per (plan LSP/073/001 REV B) is agreeable and subject to further conditions the all landscaping elements of the proposal under reserve matters are considered acceptable.

The site is set out by proposing a cul-de-sac road layout with service roads accessing plots 2 to 4 and 17 and 18. This will consist of a sealed gravel surfaces for road way and parking for each of the areas identified adjoining the above plots.

Policy HD8 of the Angmering Neighbourhood Development Plan supports WSCC parking standards and encourages all new development to follow them. This is confirmed by the WSCC Highways comments and agrees to the provision of 53 spaces is above the standard and is appropriate to this location.

The remaining hard surfaces are acceptable in line with the plan LSP/073/001 REV B . The applicant is reminded in relation to water drainage every effort should be made where surfaces are non-specific - the use of permeable surface materials or finishes is considered to allow for natural water soakaway.

The Council Greenspace team appear satisfied that the level of detail as per the above plan is agreeable and subject to further conditions all landscaping elements of the proposal under reserve matters are considered acceptable.

SUMMARY:

In relation to foul drainage, ENGD2A was applied to A/142/16/OUT and has been partially discharged. Full details and mitigation measures in regard to conditions 4, 6 and 7 of A/142/16/OUT must be submitted and agreed in writing prior to commencement. The reserved matters in regard to Layout, Landscape is acceptable in accordance with Policy D SP1, W DM3 or the Arun Local Plan 2018 & HD6 & HD8 of the Angmering Neighbourhood Development Plan.

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 for 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

(a) appearance

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan - 0277- P032
- Masterplan - 0277 - P010
- Masterplan (colour) - P013
- Survey Plan 25532/4546

The below plans are approved in so far as they relate to Layout and Landscaping only.

- Landscape Proposal - LSP/073/001/REV B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1of the Arun District Local Plan.

- 4 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan as required to be submitted and approved by the Local Planning Authority.

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an

Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.

· If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. It is considered necessary for this to be a pre-commencement condition to ensure that the trees on site are not irreversibly harmed in accordance with the NPPF.

- 5 All demolition & construction works are to be carried out in strict accordance with :- 'PJC Consultancy Arboricultural Impact Statement Report Ref: PJC 3928/16-02- 3rd June 2016' and Tree Protection Plan as required to be submitted and approved by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice in accordance with the NPPF.

- 6 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The application 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.

- 7 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Asset Management Officer (01243 642105) in order to commence this process.

- 8 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 9 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 10 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost,

whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.