

Recommendation Report for Planning Permission

REF NO: **A/176/17/PL**

LOCATION: Land between Badgers & Ashurst
 Ham Manor Way
 Angmering

PROPOSAL: 2 No. dwellings. This application affects a Public Right of Way. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the provision of 2 no. 2 storey 5 bedroom detached houses which are identical in design, but handed. The dwellings have integral double garages and are 8m in height to ridge and 5.2m to eaves with a floor area of approx. 10m by 18m. The materials are indicated as clay tiles for the roofs with face brickwork for the walls. The elevations are staggered slightly to the frontage and the plots straddle the width of the plots leaving gaps of between 1m and 3.7m to the side boundaries.

SITE AREA

2010sqm

RESIDENTIAL DEVELOPMENT DENSITY (NET) 10 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Site is open. Hedging to approx. 2m height to eastern boundary.

SITE CHARACTERISTICS

The application site is situated to the north of Ham Manor Way and forms part of the grassed area of the golf course.

CHARACTER OF LOCALITY

The character of the locality is semi-rural and features large detached properties of various designs and styles. The street scene is characterised by large dwellings set within spacious plots.

RELEVANT SITE HISTORY

A/62/49

Layout (part)

Approve

05-12-1949

report

A/2/57

Outline application development of bungalows ApproveConditionally
and houses

05-02-1957

The applicant refers to a number of sites where residential development has taken place on Ham Manor. A/182/16/PL relates to an original permission A/110/06 which was allowed as an exception on the basis that the site was surrounded by residential properties. The site was not part of the golf course and is not therefore readily comparable.

The other most recent approval A/184/06 refers back to a permission in 2002 - A/6/02 which pre dates the Arun District Local Plan and although adjacent to the golf course was located in an area that was not readily visible and constituted residential infilling at the end of a cul de sac.

The other applications are all much earlier and were considered against different planning policy frameworks.

The assertion that the site benefits from the determination made under A/65/11/CLP cannot be considered to relate specifically to this site or to be a justification for the development. Whilst the original decision notice and plan for A/2/57 were submitted as supporting evidence the decision referred to specific plots at Fallowdale. It was not a Lawful Development Certificate for any other undeveloped plots which would require separate consideration in relation to their specific site histories.

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection - the proposed development would adversely affect the setting and appearance of a local green space, Ham Manor Golf Club, contrary to policy CLW2 in the Angmering Neighbourhood Plan.

Ham Manor Golf Club is among the green spaces specified in Appendix D to the Angmering Neighbourhood Plan.

21 Objections including a petition with 54 signatures.

The size of the plots shown on the application are much larger than those shown on applications A/62/49 and A/2/57 and therefore invalidate the justification submitted by the applicant.

The area proposed for building on is designated as green space and as such is protected by the Angmering Neighbourhood Plan. Windows in recently approved extension of neighbouring dwelling will now look onto a brick wall.

The house sizes are huge and taking up almost the complete plot width, they are out of keeping with similar houses in line with them with little space around them. These areas have been left untouched for the benefit of the community.

The site is located in countryside and the proposal is therefore contrary to policy GEN2. There is no affordable housing included in the application which would exclude the development from being an exception site.

It is not consistent with the Angmering Neighbourhood Plan 2014-2029 regarding Policy HD1 (Built-Up Area Boundary) and CLW2 (Protection of Open Green Spaces). Ham Manor Golf Club is identified in this Neighbourhood Plan as Local Green Space. It could also be inconsistent with EA3 (Flood Prevention)

The Club has alternative sites to develop and other saleable assets and has not taken all reasonable steps to retain the present use of Local Green Space and its community value.

The site is adjacent to a well used public footpath. It is of community value. This will pose a health and safety risk during construction.

Moving the 9th tee will result in an increased Health and Safety risk to existing properties who were previously out of range of wayward golf balls.

Historically the land has flooded.

The proposal will result in a significant increase in car and construction traffic

The open spaces in Ham Manor Way are of considerable beauty and any development would impact this unique land at the north and totally ruin the view of the protected countryside.

Neighbouring hedge and tree could be damaged.

18 Support - This will enable the Golf Club to continue. Sale of this small piece of land for development will give Ham Manor Golf Club some of the funds it needs to secure its future. Should Ham Manor Golf Club not be able to raise the funds it needs then residents on the Ham Manor Estate will face a much bigger problem as the whole golf course may become at risk of development. This is something that would be deplorable.

My house backs on to the Ham Manor Golf Club (HMGC) and I wish to preserve the long term viability of the Club. The last thing I want and I am sure every other resident that backs on to the HMGC is for the Club to close and we will then face the possibility of hundreds of houses being built.

The decision to sell the land for development was a democratic process voted on by the members of HMGC in close consultation with the Ham Manor Residents Association. The members voted overwhelmingly to sell the land for development as the best way forward to secure the long and short term future of HMGC. The proposed development is of a similar size to A/145/17HH which was determined only last week under delegated powers.

Many In-fill developments have taken place on land adjoining the HMGC contrary to the Local Development Plan the most recent A/184/06 being on leisure land owned by HMGC

:-

A/108/75 Little Manor Ham Manor Way - 1 Detached Dwelling
A/117/85 The Barn House Ham Manor Way - 1 Detached Dwelling
A/112/86 Blue Cedars Ham Manor Way - 1 Detached Dwelling
A/114/86 Blue Cedars Ham Manor Way - 2 Detached Dwellings
A/10/87 Four Elms Ham Manor Way - 3 Detached Dwellings
A/72/98 Barleycombe Ham Manor Way - 1 Detached Dwelling
A/184/06 Copper Beech Ham Manor Close - 1 Detached Dwelling

The Club have identified a need for £3m of investment into the club. This is required in order to firstly fix the existing problems and following that, make the necessary improvements to ensure that the club remains a viable business and community asset for years to come. This £3m investment is part of a wider business plan to be implemented over the coming years that if successful, will return the club to a healthy surplus, enabling it to become self sustainable and ensuring that this type of asset disposal is not required again in the future.

Many of the objections submitted against this application argue that the club has other assets that it is able to dispose of in order to realise the funds required for this investment. There are 3 sites that have been selected by the club as being appropriate for disposal, in order to raise the necessary funds. None of the sites individually are expected to provide sufficient funds for the investment required, after taking into consideration payment of taxes and disposal costs. This is the reason that a majority of members voted in favour of disposing all 3 sites earlier this year, having been presented with the facts.

Sale of the land at the 9th tee would provide significant funds very quickly, enabling the club to get started with the first phase of investment - fixing the urgent problems over the winter/spring period, in time for the 2018 golfing season. Chief among these urgent problems are irrigation and drainage, both of which once fixed/upgraded, will allow the course to be presented at the standard it ought to be, helping the club maintain membership levels and bring in larger numbers of visitors to the course and local area.

Whilst we also hope to realise funds from the sale of the car park land, discussions with various developers indicate that it maybe 2 years, to realise those funds due to the complexity of that site. This is clearly unacceptable when looking at the funds required right now to fix the urgent problems and this is the reason we have chosen to dispose of the land at the 9th tee first.

The club plays an important role in the local and wider golfing community and implementation of our business plan, including the strategic disposal of the land at the 9th tee, contingent upon the success of this application, is key to ensuring this continues for generations to come.

Re-positioning of the tee will improve drainage run off to Black Ditch which will eliminate flooding.

Good to hear that a family facility in the local area is being updated and enhanced. It may also encourage visitors to visit and enjoy the Arun area.

There is no evidence of adverse impact on the Public Footpath (see response from PROW group). This is a no through road and carries less traffic than other Estate roads of similar dimensions having Public Footpaths. There are no pavements on any of our roads.

The design of the 2 properties is excellent, the spacing between small but consistent with the road's street scene where ubiquitous extensions to existing properties has taken them to the limits of their boundaries.

Currently the club has over 40 under 18 juniors playing and learning golf through its policy of sport development.

All these activities and projects are put at risk if Ham Manor is unable to gain the funds to replace major capital equipment like irrigation (current system not operational for next Summer) which is fundamental to the future and cannot be financed through subscriptions without putting membership out of reach of many people.

Comments on Representations received:

The comments relating to the adverse impact on the local green space are agreed.

Whilst it is accepted that the Golf Club Committee has a legal obligation with its members to use all the money from the sale of the 9th tee to improve the Golf Course there is no

guarantee that granting permission for these dwellings would ensure the survival of the golf course in the long or short term. Comments on previous permissions are made above in the Site History section.

The loss of a view is not a material planning consideration. The windows in the approved first floor extension on the side elevation facing the application site are dual aspect and located in the corners. Any overbearing impacts and loss of light would not therefore result in unacceptable material harm.

It is not considered that the proposal would pose an unacceptable health and safety risk during construction. Changes to the position of golf tees and damage to property are a private matter,

The site is not located in an area of high flood risk. Drainage conditions are suggested by the Council's Engineer should the application be approved.

The amount of additional traffic generated by the proposal is not considered to be significant.

The site has no statutory designation as historic parkland.

Damage to neighbour's hedge and tree could be limited by the imposition of a landscape condition including tree retention requirements, but primarily damage to the adjoining site would be a private matter. However the reduction in width of the hedge particularly in the rear and front garden areas would seem unnecessary. Retention on the site frontage would provide mature screening to the development to the north and would not impede access to the garage or driveway.

It is not considered that the golf course is a significant visitor attraction given that the majority of players are local residents.

CONSULTATIONS

Archaeology Advisor
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Southern Water Planning

Consultations responses received:

Archaeologist - No Objection. It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

County Highways - No Objection

A number of dwellings are already served from the access road and whilst a small rise in vehicle activities will occur, it is considered unlikely that any adverse impacts will result from this proposal. Traffic Calming measures are present to the north of the site access onto the publicly maintained Highway at Station Road; this seeks to lower vehicular speeds in this location. There are no concerns with visibility or congestion at this access onto Station Road.

Ample parking and turning has been provided, including a double garage for each dwelling and 4 off road parking spaces. The double garages are advised to meet 6m x 6m in order to accommodate for cycle parking, there would appear sufficient space within the site to allow for

this.

On the information submitted there would appear to be no grounds to resist this application from the highway point of view. If the LPA are minded to approve this proposal a condition securing vehicular parking and cycle parking should be included

County Highways (Public Rights of Way) - No Objection. Ham Manor Way is a FP2195 and is used for vehicular access to existing houses and for the proposed development. Construction vehicles should be reminded of the speed limit. The footpath should not be obstructed or restricted. A Temporary Path Closure Order may be required. Resurfacing would require separate consent from West Sussex County Council Rights of Way Team.

Drainage Engineer - No Objection . Please apply standard conditions.
A foul sewer crosses the site and Southern Water should be consulted.

Comments on Consultation responses:

Southern Water have been consulted following receipt of the Drainage Engineer's comments.

POLICY CONTEXT

Designation applicable to site:
Outside built-up area boundary
Adjacent to Public Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN12</u>	Parking in New Development
	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D SP1 Design
		T DM1 Sustainable Travel and Public Rights of Way
		T SP1 Transport and Development
		OSR DM1 Open Space, Sport and Recreation
		Built-up Area Boundary
		Parish Housing Allocation
		Materials
Angmering Neighbourhood Plan 2014 POLICY HD1		
Angmering Neighbourhood Plan 2014 POLICY HD2		
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		Protection of Local Green Spaces

CLW2

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 HD1 Built Up Area Boundary, HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design, HD7 Housing Density, HD8 Parking for New Developments, EH3 Flood Prevention and CLW2 Protection of Local Green Spaces 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 it would have a materially adverse effect on the visual amenities and character of the locality and would result in the erosion of a local green space adjacent to a public footpath.

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 application site is located in an area defined as countryside outside the Built Up Area Boundary (BUAB), where the principle of new development will usually be resisted. The site also does not benefit from allocation for development for housing within policy HD2 of the Angmering Neighbourhood Plan (ANP).

Policy HD1 of the Angmering Neighbourhood Plan establishes the BUAB of Angmering and seeks to prevent development outside of the BUAB. The site would erode part of an established and recognised rural gap between dwellings which is defined as local green space in the adopted Neighbourhood Plan. In this case it is considered that the proposal will not accord with the requirements of policy GEN3 (v) of the Arun District Local Plan and will result in significant encroachment into the open countryside and within a local green space acknowledged in policy CLW2 of Angmering Neighbourhood Plan.

The adopted Local Plan is out of date in respect to the supply of housing, but the proposal does not comply with the emerging Local Plan or Neighbourhood Plan which supersede the 2003 Local Plan in terms of the supply of housing policies.

The made Angmering Neighbourhood Plan (2014) is the most up to date adopted plan for development control purposes and contains the following policies relevant to principle considerations:

Policy HD1 - Built Up Area Boundary
Policy HD2 - Parish Housing Allocation
Policy CLW2 Protection of Local Green Space

Policy HD1 states "The fundamental principle is that the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan and that without a Built Up Area Boundary significant further development would encroach into open countryside."

Policy HD2 refers to the specific identified housing allocation sites. This site is not included.

Policy CLW2 states "Development that results in the loss of local green spaces identified in Appendix D, or, results in adversely affecting their character, setting, accessibility, appearance, general quality or amenity value will not be supported."

The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031. The housing supply comprises completions, commitments, Neighbourhood Plan allocations, deliverable HELAA sites (within the Built-Up area boundary), non-strategic sites, windfall sites and strategic site allocations. This site has no allocation within the publication version of the Local Plan or the Neighbourhood Plan.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 2.09 years.

The National Planning Practice Guidance (NPPG) provides clear guidance on the issue of the weight that can be given to both the adopted Local Plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time.

The weight afforded to Neighbourhood Plans has been clarified by a Written Ministerial Statement (13/12/16) which confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old;
- The NDP allocates sites for housing; and
- The Council can demonstrate a three-year supply of deliverable housing sites.

Arun District Council can only currently demonstrate approximately a 2 year supply of deliverable housing sites. Therefore, those policies that relate to the supply of housing contained within the Neighbourhood Plan are out of date.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. In this case, the development plan is not silent and the principle of development is not in accordance with the development plan.

At the heart of the NPPF is a presumption in favour of sustainable development which should be

seen as a golden thread running through both plan-making and decision taking. This is in accordance with the three dimensional approach to include economic, social and environmental considerations as set out in paragraph 7 of the NPPF.

In terms of economic sustainability the proposal will create construction jobs, supply chain benefits and inward investment for the local area. Local residents will spend money locally and also contribute towards Council Tax receipts. There are some employment opportunities within the local area but most residents would need to travel elsewhere, including Littlehampton and Rustington, but these are relatively close and could be reached by bus or bicycle. Bus stops are located in Station Road. However for convenience the car is likely to be the most popular choice of transport.

The economic justification for the proposal, provided by the applicant, is that the revenue derived from the sale of the land for residential development would be invested in the golf club to ensure its necessary upgrading and maintenance, the level of its membership fees and future existence. However, there are other long term fee generating options open to the golf course which could result in less harm to the character of the area.

Social Sustainable Development: The NPPF makes it clear that sustainable development involves seeking positive improvements in peoples quality of life and this includes widening the choice of high quality homes. It also emphasises the need to boost significantly the supply of land for housing. The scheme would only deliver 2 units and would not make a significant contribution to the stock of housing to meet the needs of present and future generations.

Environmental Sustainable Development: The proposed scheme would result in 2 large additional detached houses at a time that ADC does not have a 5 year housing land supply and on a site that has good connectivity to services and sustainable transport hubs. The site is located adjacent to neighbouring housing settlement and is in close walking distance to nearly all services in Angmering including schools and a doctors surgery. However the proposal is not considered to be environmentally acceptable since it would adversely affect the character of the area and erode an undeveloped open area designated as a local green space in the Neighbourhood Plan which is clearly viewed from a public right of way.

In relation to the sustainability the application is therefore considered unacceptable.

CONCLUSION ON PRINCIPLE

The site falls outside the built up area boundary as defined by Policy HD1 of the Angmering Neighbourhood Plan which is the most up to date development plan. The development plan is therefore not silent or absent. However, policies within the development plan that relate to the supply of housing are out of date for the purposes of the NPPF and the presumption in favour of sustainable development of paragraph 14 of the NPPF is relevant.

It is recognised that there are houses in close proximity to the site, but the proposal would be located within an important open gap in the countryside. The site would not therefore have the appearance of being situated within the urban envelope.

Given the conflict with the Angmering Neighbourhood Plan, the Local Plan and the Publication version of the Local Plan it is considered that the proposed development would not be acceptable

in principle and the presumption in favour is outweighed by these factors.

The proposed development is deemed unacceptable in principle contrary to policies GEN2, GEN3 and GEN7 of the Arun District Local Plan, policies HD1, HD2 and HD5 of the Angmering Neighbourhood Plan and the National Planning Policy Framework.

VISUAL AMENITY AND CHARACTER OF THE AREA

The site comprises part of the Ham Manor Golf course and is a relatively flat open grassed area. It contributes approximately 2/3rds towards the width of the gap (45m of the 65m gap) between the existing dwellings on the west side of Ham Manor Way and is one of 3 gaps which punctuate the ribbon development of dwellings adjacent to the road frontage. It makes a significant contribution to the appearance of the street scene and wider area. It reduces the urban form of the existing residential road by providing a clear break and countryside setting to the existing development. The width of the gap would be reduced to an almost unnoticeable width which would result in the gap being almost indiscernible and easily lost in the appearance of the area. The loss of the gap would adversely affect the character of the area making the development tighter and less sporadic and spacious generally. The depth of the curtilages extends to 43m, that is 2m deeper than the dwelling to the north and 20m deeper than the dwelling to the south. This significant plot depth also detracts from the open ness of the area by further restricting views across the golf course. Policy HD5 of Angmering Neighbourhood Plan states that new developments must pay particular attention to integration with both the character of nearby development as well as its landscape setting . This proposal is considered to conflict with this requirement.

Whilst the dwellings are large and straddle the width of the sites, the gaps to boundaries are similar to other properties on the estate and would allow for adequate boundary screening and planting. In terms of dwelling to plot ratio they are also considered to be in keeping. They are also similarly positioned in respect of their set back from the road frontage and replicate the pattern of adjoining development.

DESIGN

The proposed materials are not precisely specified on the elevation plans. Clay tiles to the roofs and face brick work elevations would accord with the materials on other properties in Ham Manor Way, but precise details would need to be controlled by condition. The design, appearance and form of the dwellings generally would reflect other properties fronting Ham Manor Way which is characterised by large detached mainly 2 storey dwellings of varying design and style. The heights of the dwellings and plot widths would be directly comparable with the neighbouring property to the north. The properties include a dentil course at eaves level, Georgian style windows and a large entrance door which provide visual interest. In this respect the proposal would accord with policies HD5 and HD6 of Angmering Neighbourhood Plan and meets the standard of design referred to in policy GEN7 of Arun District Local Plan. However whilst the design of the dwellings is considered acceptable the proposal would adversely affect the character of the area and is therefore contrary to policy.

IMPACT ON LOCAL GREEN SPACE

Policy CLW2 of Angmering Neighbourhood Plan states "Development that results in the loss of

local green spaces identified in Appendix D, or, results in adversely affecting their character, setting, accessibility, appearance, general quality or amenity value will not be supported."

The application site is part of the Ham Manor Golf Club which is referred to in Appendix D: Assets of Community Value and Local Green Spaces. This proposal reduces the area of open space in a prime location, adjacent to a well used public footpath, where views across the open space by the general public would clearly be significantly impacted and reduced. It would adversely affect the character of the area, the general spacious appearance of this section of Ham Manor Way, and the setting and general quality of the green space and the public's visual enjoyment of the open space contrary to policy CLW2.

The agent has advised that the decision to sell off the application site for development was made to secure the long term future of the club and the green space it provides. However as discussed above it is considered there are other options available to the club which would not result in erosion of the green space. Ham Manor Golf Course Ltd have advised that the sale of the land would fund the Golf Course priorities, such as Machinery, Irrigation, Drainage, Practice Ground Facilities and Winter Tees and Greens.

RESIDENTIAL AMENITY

The proposed dwellings have a similar set back from the site frontage as the adjoining existing dwelling to the north. The proposed northerly dwelling would retain a distance of 3.7m to the site boundary and taking account of the first floor extension to this dwelling recently approved under A/145/17 which is 1m from the boundary and has windows located on the corners of the elevations, it is not considered any materially adverse overbearing or overlooking effects would result to the existing residential property.

The Emerging Local Plan contains policies relating to external and internal space standards for new development. The proposal meets the external space requirements and complies with the Nationally described Space Standards.

HIGHWAYS

County Highways have no objection to the proposal in terms of access, parking or highway safety. At least 4 parking spaces are provided per unit.

CONCLUSION

It is considered that this application, while being located in a rural area with access to local services and facilities, is unacceptable having regard to the relevant development plan policies and in particular the specific allocation of the site within policy CLW2 of the Angmering Neighbourhood Plan. 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), 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.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area and the proposal being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2 and GEN3 of Arun District Local Plan and policy HD1 of Angmering Neighbourhood Plan which seeks to protect the countryside and ensure the amount of land taken for development is kept to a minimum consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.
- 2 Given the position of the dwellings within the established golf course which is designated as a Local Green Space in the Angmering Neighbourhood Development Plan and that the proposal would represent a prominent form of development which would adversely affect the character and appearance of the area it would conflict with policy GEN7 of the Arun District Local Plan and policies HD5 and CLW2 of the Angmering Neighbourhood Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 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.