

Recommendation Report for Planning Permission

REF NO: A/261/21/PL

LOCATION: Land off
Mayflower Way
Angmering
BN16 4AY

PROPOSAL: Variation of condition following grant of A/219/17/PL relating to Condition No 2 - approved plans and Condition 9 landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal seeks to amend the plans condition(1) and landscaping condition(9) by substituting reference to Rabble Site Plan drawing reference 201 rev 02, with amended HWP Site Plan drawing 17.319-P09 rev 01 to allow for the following changes to the approved scheme:

1. Relocation of parking from on-street within Mayflower Way boundary, to within site boundary. Parking P6-P8 moved south into the site. P13-17 relocated into the eastern off-street parking lane;
2. Updates to surface treatments specifications, in line with (1) layout changes;
3. Displacement of orchard wall to facilitate relocated parking;
4. Change of plot 6&7 dividing wall to fence, as this will be lost within the street scene;
5. Omission of the end wall to the south of the Mews as this conceals the landscaping behind it;
6. Change to refuse arrangements. Communal storage abandoned as sufficient duplicate provision is available within rear gardens. Updated bin collection locations;
7. Change to bike storage arrangements. Communal bike stores abandoned as sufficient secure provision available in sheds within each rear garden;
8. Front garden wall to Plots 9 and 10 changed to timber picket fence;
9. Amendment to East Boundary further to soil remediation works scope amendment (removal and replacement of hedging).

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedging to western boundary to approx. 2m high and hedging to 3m to rear. Close boarded fencing to 1.8m to eastern boundary.

SITE CHARACTERISTICS

The site is enclosed by contractor fencing and development is

close to commencement.

CHARACTER OF LOCALITY

Mix of residential and commercial uses. Bungalow adjacent to east and 2 storey dwellings to west.

RELEVANT SITE HISTORY

A/219/17/PL	12No. Social dwellings for Angmering Community Land Trust, including two communal bike stores, a pedestrian mews and orchard. Departure from the Development Plan.	App Cond with S106 18-10-18
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REPRESENTATIONS

Angmering Parish Council - No Objection.

- Request noise mitigation measures are taken to protect the houses to the east of the development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal relates to variation of the plans condition in respect of the changes set out above which do not impact on noise emissions from the site.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

West Sussex Fire and Rescue - No Objection.

Evidence will be required to show that all parts of all dwellings are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.

County Highways - No Objection.

Changes to the car parking locations for spaces 6-8 and 13-17 are acceptable. Bin collection points can be reached from the public highway and private bike storage is preferred over communal storage and can be accessed via the rear gardens.

Greenspace Officer - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The comments of the fire officer do not relate to the specific changes proposed in the application.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

Parish Housing Allocation Site

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment

[Angmering Neighbourhood Plan 2014 POLICY TM1](#) Local Highways

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD3	Parking Standards

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies in the Angmering Neighbourhood have been taken into account in 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."

The proposal is considered to comply with relevant Development Plan policies in that there would be no adverse impact on visual or residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The principle of the development has been agreed. It is only the issue relating to the amended plans in respect of changes to the site layout which can be considered under this application.

IMPACT ON VISUAL AMENITY AND CHARACTER

The proposed alterations retain a cohesive and balanced appearance to the development and the revisions do not have a significantly harmful impact on the layout. The changes to surfacing in areas of car parking from gravel to permeable block paving, deletion of communal bin and bike stores and changes to walling and fencing boundary treatments would not be out of keeping with other new properties in the locality.

The changes do not demonstrably affect the design and there would be no visual detriment. The housing mix remains as previously permitted, and there are no implications in terms of access or parking provision. The garden sizes are not reduced, and there will no impact on landscaping or drainage. The approved architectural and landscape features which articulate each house in relation to the massing of the overall scheme is unaffected.

The removal of the communal bin stores adjacent to Mayflower Way and parking along Mayflower Way has reduced the amount of development along the site frontage. The removal of visual clutter will improve the appearance of the development as a whole in the street scene by opening it up and allowing better views of the approved dwellings improving their relationship with the road frontage. The walled enclosure to the orchard area is retained. This helps to retain a sense of enclosure and spatial definition in accordance with part H of Arun Design Guide which states that well-designed places incorporate a good sense of definition and enclosure, enabling places to be experienced as 'contained' and structured.

The proposed development still respects the visual amenities and character of the area in accordance with policy HD6 of the Angmering Neighbourhood Plan (ANP).

Therefore, the proposed amended site layout changes would not result in unacceptable harm to the character of the locality and accords with policies D SP1 and D DM1 of the Arun Local Plan.

The development still demonstrates a high quality design, reflecting local distinctiveness and seeks to incorporate local design features evident in buildings in the surrounding area, and as such the proposals accord with ANP policy HD6 (Housing Layout and Design). Further, the proposal would represent a high quality development, which would sympathetically relate to existing built form in accordance with policies D DM1 and D SP1 of the Arun Local Plan and Arun Design Guide and the guidance set out in the relevant paragraphs of the NPPF that relate to design.

RESIDENTIAL AMENITY

The minor change in the site layout has negligible impact on residential amenity. The deletion of communal bin and bike storage areas would not adversely impact noise generation to neighbouring properties. It would reduce the activity levels in these areas. The proposal would therefore accord with policy D DM1 of the Arun Local Plan.

CAR PARKING AND CYCLE PARKING PROVISION

The proposal does not reduce the overall car or cycle parking provision and the access is unaffected. The arrangement of proposed parking spaces reflects the traditional urban layouts which the development references. County highways have no objection to the changes to parking layout proposed and the proposal accords with policy T SP1 of Arun Local Plan and policy HD 8 of Angmering Neighbourhood Plan.

LANDSCAPING

As part of consideration of the application the site plan has been amended to incorporate replacement hedging. It was found necessary pursuant to the ground decontamination requirements that in order to implement the clean cover systems the ground up to the western boundary needed to be excavated. This will remove the existing hedge. To be consistent with A/262/21/PL the RPZ works will be implemented, taking out the hedge in the process, but then it will be reinstated with new, to the same native hedge specification already approved on the East Boundary. There will therefore be no net loss of vegetation or wildlife habitats and corridors in accordance with policy ENV DM5 of Arun Local Plan.

SUMMARY

The proposals do not result in a form of development that will significantly affect the residential or visual amenity or provision of car parking on the site. As a result, the changes are considered to be acceptable when assessed against the relevant development plan policies. The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

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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

APPROVE CONDITIONALLY

- 1 Condition 2 imposed under A/219/17/PL is amended to read:

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

HWP Site Plan drawing 17.319-P09 rev 01 and the following originally approved plans

Location Plan 001 rev01,
 Proposed Block Plan 002 rev01,
 Landscape Plan 1141/01 revA,
 Terrace A Drawing Sheet 204 rev01,
 Terrace A- 1 bed -Detail 209 rev00,
 Terrace A -3bed - Detail 208 rev00,
 Terrace B - 2 Bed - Detail 207 rev00,
 Terrace C - Flats - Detail 210 rev00,
 Terrace B drawing 205 rev01,
 Terrace C Drawing Sheet 206 rev 01,
 Proposed Site Elevations 203 rev00.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun District Local Plan.

- 2 Condition 9 imposed under A/219/17/PL is amended to read:

Landscaping (hard and soft) shall be carried out in accordance with the details shown on Linda Oaks plan 1141/01 revA, Deacon Design and Hedge Retention and Enhancement Plan and the Proposed Site Plan P09 rev01. All planting, seeding or turfing comprised in the approved details 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 policy D DM1 of the Arun Local Plan.

- 3 **INFORMATIVE:** This permission relates to the variation of conditions 2 and 9 of planning permission A/219/17/PL only. The applicant is reminded that the other planning conditions attached to the original planning permission number A/219/17/PL remain in force and must be complied with.

- 4 **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.