

Recommendation Report for Planning Permission

REF NO: A/2/25/PL

LOCATION: 110 Downs Way  
East Preston  
BN16 1AF

PROPOSAL: Demolition of existing detached garage and creation of 1 No. new semi-detached dwelling with associated landscaping and parking. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approx. 450 sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	22 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Fencing with hedging present at the side boundaries of the rear garden.
SITE CHARACTERISTICS	The site forms part of a residential garden. There is currently an area of hardstanding to the front of the site, a detached garage/outbuilding adjacent to 110 Downs Way, and garden space to the rear.
CHARACTER OF LOCALITY	The site is located in a predominately residential area, but is located next to a parade of shops to the east of the side. The railway is at the site's rear boundary.

**RELEVANT SITE HISTORY**

A/14/24/HH	Double storey side extension and the demolition of the existing detached garage.	ApproveConditionally 26-03-24
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Relevant planning history noted.

**REPRESENTATIONS**

Angmering Parish Council - No objection. The committee asked that consideration be given to the Arun Parking Standards, given that parking is required for the shops in the area.

No representations were received from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

**CONSULTATIONS**
**CONSULTATION RESPONSES RECEIVED:**

ECOLOGY - No objection, subject to condition securing the Biodiversity Net Gain proposed.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection, subject to condition requiring parking and cycle parking to be provided prior to occupation.

ENVIRONMENTAL HEALTH - No objection subject to a condition concerning mitigation of noise and vibration from the nearby railway and contamination.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted, and conditions applied.

**POLICY CONTEXT**

Built Up Area Boundary  
CIL Zone 4

**DEVELOPMENT PLAN POLICIES**

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

SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
TDM1	T DM1 Sustainable Travel and Public Rights of Way
DSP1	D SP1 Design
QEDM4	QE DM4 Contaminated Land
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary

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 HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

**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 the proposal is an infill development within the built up area which does not compromise the visual amenity or character of the area, or have any significantly adverse impacts on neighbouring 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,
  - (aza) 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**

There are no other material considerations to be weighed in the balance with the Development Plan.

**BIODIVERSITY NET GAIN**

This application is liable for Biodiversity Net Gain (BNG). An on site Biodiversity Net Gain of 12.94% will be provided through the provision of ground level planters and hedgerow.

**CONCLUSIONS****PRINCIPLE**

The site benefits from being within the Built-Up Area Boundary where the principle of residential redevelopment is acceptable subject to the consideration of other relevant policies within the Arun Local

Plan (ALP). As the application site is located within the Built-Up Area Boundary, the proposal is in accordance with policy SD SP2 of the Arun Local Plan (ALP) and Policy HD1 of the Angmering Neighbourhood Development Plan (ANDP).

#### **DESIGN AND VISUAL AMENITY**

Policy D SP1 of the Arun Local Plan (ALP) states development should reflect the characteristics of the site and local area, including in respect of scale, character, materials, finish. ALP policy D DM1 looks at aspects of form and design quality, including character, appearance, landscaping, and scale. The Arun Design Guide (ADG), Section P (infill development) is of particular relevance to this application and seeks to ensure that development reflects or improves the character of the site and the surrounding area, minimises the impact on neighbouring occupiers, provides appropriately sized dwellings and appropriate parking, with safe access on to the highway network.

The proposed dwelling is a two-storey dwelling, which would adjoin the western flank elevation of the neighbouring dwelling, 110 Downs Way, forming a terrace of three houses. The properties along Downs Way are predominantly semi-detached, however some have been substantially extended to the side. The addition of a dwelling to the side of 100 Downs Way to form a terrace of three would not appear incongruous and would not disrupt the rhythm of the street scene. The roof of 110 Downs Way would be altered from a hipped roof to a gabled roof to facilitate the proposed dwelling, which would have a hipped roof. The use of a hipped roof reflects other roofs in the area, and also reduces the bulk of the proposed dwelling. Moreover, a two storey side extension was previously approved in the same location and of the same scale under application reference A/14/24/HH which would have a very similar appearance to the proposed dwelling.

The design of the proposed house reflects the existing character and appearance of 110 Downs Way in terms of the position of the porch and fenestration pattern. The proposed materials are also to match those of the neighbouring dwelling. The proposed addition would not harm the character or visual amenity of the street scene in accordance with policy D DM1 of the ALP, the ADG, the ANDP and the relevant parts of the NPPF.

#### **RESIDENTIAL AMENITY**

The proposed dwelling would adjoin the western flank elevation of 110 Downs Way, and would be adjacent to a parade of shops to the east, with accommodation above. The proposed dwelling will be attached to the western flank elevation of 110 Downs Way and will mirror 110 Downs Way in terms of the two storey built form. Given that 110 Downs Way has an existing sun room to the rear, it would extend beyond the rear elevation of the new dwelling by approximately 2.5m. Whilst the sun room belonging to 110 Downs Way would intersect a 45 and 60 degree line when taken from the rear window of the new dwelling, the projection of the sun room beyond the proposed rear elevation is not excessive, and it would not result in harmful overbearing or overshadowing effects on the future occupiers. The proposed dwelling would be situated forward of the parade of shops, and there is a separation distance of 1m between the boundary of the proposed dwelling and the end of the parade of shops. Given the relationship between the proposed dwelling and shops to the east, there would not be any overbearing or overshadowing effects on present or future occupiers. The proposed fenestration to the new dwelling would be mostly to the front and rear elevations, with a single window on the side elevation at ground floor level. The proposed fenestration would not result in harmful overlooking.

The relationship of the proposed dwelling to existing dwellings within the area complies with the guidance in sections G and H of the Arun Design Guide.

Concerns were raised by Environmental Health about the impact of noise and vibration from the railway on the residential amenity of the future occupiers of the dwelling. A condition has been attached requiring details a scheme for mitigating these impacts to ensure that the railway would not result in unacceptable

noise and disturbance to future occupiers.

The proposal would not result in adverse harm to neighbouring amenity or future occupiers, and is in accordance with policy D DM1 & QE SP1 of the Arun Local Plan, and the Arun Design Guide

#### INTERNAL SPACE STANDARDS

The proposed dwelling would contain two bedrooms with three bed spaces. The gross internal floor space exceeds the 70sqm minimum for a two-storey dwelling with this capacity. The dwelling also features an appropriate rear and front amenity spaces in excess of the standards identified by Section H of the ADG. The outdoor amenity space for use by 110 Downs Way following the division of the plot also exceeds the standards set out in Section H of the ADG.

The proposed dwelling is therefore in accordance with policy D DM2 of the ALP and Section H of the ADG.

#### PARKING & ACCESS

Policy T SP1 of the ALP requires new development to be well integrated with existing transport networks, promote non-motor vehicle transport such as cycling, and to be in accordance with the Arun Parking Standards.

The proposed dwelling would be well integrated with the existing highways network and would be near cycle and pedestrian networks, within close proximity of Angmering Train Station. The proposals provide 2 No. vehicle parking spaces to serve the proposed new dwelling, leaving 110 Downs Way with space for 2 cars at the front of the property. The vehicular parking provision is in accordance with the Arun Parking Standards. The Arun Parking Standards and policy T SP1 requires the provision of Electric Vehicle charging points, and secure and sheltered cycle storage. Conditions have been attached to this decision to require the provision of charging points and cycle storage in accordance with the Arun Parking Standards SPD.

The proposed development would not result in unacceptable impact on highway safety, or severe cumulative impacts on the road network. It is therefore in accordance with Para 111 of the NPPF and there are no transport grounds to refuse the proposal. The proposal is in accordance with policy T SP1 of the ALP.

#### BIODIVERSITY

Policy ENV DM5 requires development seek to achieve a net gain in biodiversity and protect existing habitats on site.

Currently, the site comprises an area of hardstanding, a large existing outbuilding and a domestic garden. The submitted biodiversity net gain metric has been reviewed by the Local Planning Authority's Ecology Officer and is sufficient. The ecologist has raised no objections to the submitted assessment and requested that a condition be attached to ensure the biodiversity mitigation and enhancement measures set out in the metric are secured. This will allow the development to reach a biodiversity net gain in accordance with Policy ENV DM5 of the ALP.

#### SUMMARY

The proposal is in accordance with the relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

<b>HUMAN RIGHTS ACT</b>
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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.

### DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

### CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

### RECOMMENDATION

#### APPROVE CONDITIONALLY

- 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 The development hereby approved shall be carried out in accordance with the following approved plans and documents:
  - Location and Block Plans 2414-P-001
  - Existing and Proposed Site Plan 2414-P-002
  - Proposed Floor Plans 2414-P-005
  - Proposed Elevations 2414-P-006
  - Existing and Proposed Street Elevation 2414-P-007
  - Existing and Proposed Landscape Plans 2414-P-008 REV A
  - BNG Metric.  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.
- 3 The proposed development shall not begin until a scheme for protecting the proposed dwellings from noise and vibration from the railway lines adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any

permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1.

- 4 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 5 Prior to occupation of the dwelling, the applicant or developer shall provide the dwelling with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 6 No part of the development shall be first occupied until the car parking and access arrangements have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for occupiers and visitors of the existing and proposed dwellings.

Reason: To provide appropriate levels of on site parking in accordance with Arun Local Plan policy T SP1.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative sustainable travel options to the use of the car in accordance with Arun Local Plan policy T DM1.

- 8 Demolition/construction works shall only take place between 08:00 hours and 18:00 hours (Monday to Friday) and between 08:00 hours and 13:00 hours on Saturday with no activities taking place on Sundays or recognised public holidays. In addition to these hours of working, the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 9 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 10 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/>

- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.