

Recommendation Report for Outline Consent

REF NO: A/31/18/OUT

LOCATION: Land to the North of
68 Arundel Road
Angmering
BN16 4LL

PROPOSAL: Outline application with all matters reserved for the erection of 2 No. 3 bedroom semi-detached properties & associated landscaping works. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is in outline form with all matters reserved, although indicative elevations and floor plans have been submitted which show a pair of 2 storey dwellings.
SITE AREA	819 sqm
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance.
BOUNDARY TREATMENT	The boundaries of the site consist of fencing and mature planting and trees of various heights and species.
SITE CHARACTERISTICS	The site is located at the end of Arundel Road adjacent to the last dwelling in the row of houses on the western side. The neighbouring property is a bungalow. It has recently been cleared of vegetation.
CHARACTER OF LOCALITY	The character of the locality is rural with the site being situated outside of the built area boundary.

RELEVANT SITE HISTORY

A/128/76	O/A For The Erection Of 2 Residential Semi-Detached Bungalows With Garages	Refused 18-11-76
A/56/62	Outline Application For Bungalows Or Houses	Refused 21-09-62
A/42/93	Change use of land from agriculture use to stabling horses. Erection of stable and creation of vehicular	ApproveConditionally 30-11-93

access to Arundel Road.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection - Site lies outside the built-up area

1 Objection - Given the position in the village and the adjacent houses which are bungalows, the proposed height of the development would not be in keeping with the surroundings and adjacent property. A revised proposal for a bungalow or similar with lower roofline would be more appropriate.

1 No Objection - Would like more detail regarding the proposed development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The site lies outside the built up area boundary as defined in the recently adopted Local Plan and the Angmering Neighbourhood Plan. The information submitted with the application is limited given that the application is in outline form. Reference to paragraph 32 applies to old version of NPPF. The new version of advice is contained in paragraph 109.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Ecology Advisor

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

The proposal would not have a 'severe' impact on the operation of the Highway network and therefore is not contrary to the National Planning Policy Framework (paragraph 32), and there are no transport grounds to resist the proposal. Considering the access is to be shared between two dwellings the Local Highway Authority (LHA) advises this be widened to 4.5m to allow two cars to pass within the access. Whilst the LHA appreciate there is a 1m wide strip of overgrown highway verge there would be benefit to increasing pedestrian visibility splays back into the site, either side of the proposed access. This would require that the proposed access be relocated slightly north. Details of the amended access, visibility splays, parking and turning should be provided at reserved matters stage.

Drainage Engineer - No Objection. Standard condition requested.

Ecologist - Lighting should take account of bats. Mitigation set out in the Ecology Report should be controlled by condition. Site clearance should avoid nesting time.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems

[Angmering Neighbourhood Plan 2014 POLICY HD1](#) Built-up Area Boundary
 Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation
 Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix
 Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density
 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 HD8 Parking for New Developments
 Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways
 Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian
 Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans. The Arun Local Plan was adopted on 18th July 2018.

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.

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 Angmering Neighbourhood Plan (ANP) has been made and policies HD1, HD2, HD3, HD4, HD5 and HD7 are considered relevant in the determination of this application. As the Council can now demonstrate a housing land supply of greater than 3 years the ANDP policies relating to the supply of housing are not out of date.

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 the site lies outside the built-up area boundary where development or redevelopment is unacceptable in principle and is not considered to accord with policy CSP1 of the Local Plan or policy HD1 of the Neighbourhood Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. These are that the proposal does not result in material harm to the character or appearance of the area and represents an acceptable form of development in this location adjacent to existing and approved development.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area of Angmering as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031 and the Angmering Neighbourhood Plan (ANDP).

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Policy Due to the sites location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

Angmering Neighbourhood Plan

Angmering Neighbourhood Plan was made in 2015 and as such forms part of the development plan in the determination of this application.

Policy HD1 of the Angmering Neighbourhood Plan states that "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the Arun Local Plan and that, without a Built Up Area Boundary significant further development would encroach into open countryside." Policy HD2 identifies three sites which will provide "at least 100 dwellings". The Angmering Neighbourhood Plan does therefore make provision for additional allocations of housing sites and the application site does not fall within these allocated areas.

Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.' It also confirms that the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making (para 12). At this time, there is an up to date development plan.

Therefore as the development conflicts with an up-to-date Local Plan unless there are material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF. However in this particular case given that the site is adjoined by residential and commercial development it is considered to be in keeping with the character of the area. The provision of 2 residential dwellings fronting Arundel Road would reflect the density and position of properties to the south of the site and would represent infilling to the recently approved outline development of 9 dwellings to the north. It would not therefore result in an adverse impact on the intrinsic character of the countryside or the visual amenities of the locality.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and the intention of the ANDP to protect countryside and make provision for housing on identified sites policies HD1 & HD2).

The proposed development would provide an additional 2 houses which are not required in the District at the present time due to the 5.3 year housing land supply. The development would have a small positive effect upon the supply of housing. However there are other relevant material considerations which need to be taken into account.

Material Considerations:

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside of the defined BUAB, the site is in a sustainable location. It is located south of a recently approved outline application (A/131/16/OUT) which was for 9 dwellings. Whilst this application was determined against a different policy background prior to adoption of the Local Plan it is a consideration in the determination of this application because in order for the proposals to be considered contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The application site is adjoined to the south and north by existing dwellings and an extant planning permission for 9 dwellings. To the east is a road and to the west a commercial site. Therefore none of the sites boundaries are in open countryside use and the application site is bounded by built form. The contribution the existing site makes to the character of the countryside is negligible. For these reasons, it

is considered that there are material considerations that would weigh in favour of the proposals contrary to the principles of the development plan.

VISUAL AMENITY AND CHARACTER OF THE AREA

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

Angrnering Neighbourhood Plan (ANDP) policies HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design and HD7 Housing Density are relevant. HD6 requires that new housing should be of a high quality design that reflects the local character and reinforces local distinctiveness. Meanwhile, HD7 states that if the density of new development is higher than the immediate surrounding area it will be refused.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

It is noted that the application is in outline and does not seek approval of layout or the design of the dwellings.

The application site is situated to the west of Arundel Road and is screened on the eastern boundary by a row of trees and as such the proposed development will have limited presence within the street scene when viewed from Arundel Road.

Examples of linear residential development are present in close proximity to the application site even though the adjoining dwellings are located within the built-up area boundary. The site would constitute visual infilling in the street scene, since it is bounded by residential development to the south and approved residential development to the north. The proposal would not represent encroachment into open countryside and would not therefore erode the rural character of the area. On this basis, it is considered that the proposed residential use of the site would not result in unacceptable harm to the character of the locality and is deemed to accord with policy D DM1 of the Arun Local Plan.

The application is in outline form and layout and design details are reserved for consideration at a later stage. Indicative dwelling sizes have been reduced since the application was originally submitted and are now considered to demonstrate acceptable dwelling to plot ratios which are similar to those adjacent to the site. The size of the plots are therefore considered to be acceptable and to accord with policy HD7 of the Neighbourhood Plan. Compliance with policy HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design would be considered at reserved matters stage and cannot be considered as part of the proposal which seeks approval to the principle of development on the site.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the ANDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout would not result in adverse

amenity issues.

Accordance with the proposal with the Nationally Described Space Standards would be considered further in any reserved matters application.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Policy TM1 of the ANDP requires that new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during development and on completion demand. Policy TM2 gives support to proposals which improve or extend existing footpaths, footways or cycleways. Policy HD8 encourages all developments to meet West Sussex County Council parking standards

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The application has been assessed by WSCC Highways who do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with paragraph 109 of the NPPF.

In terms of car parking, the layout indicated is likely to provide an acceptable level of car parking.

It is not therefore considered that in this regard there is any conflict with the adopted development plan policies or with the NPPF.

DRAINAGE AND FLOODING

Arun Local Plan 2011 - 2031 policy W DM2 seeks to limit development in areas at risk of flooding and W DM 3 discusses the need for sustainable urban drainage systems. Policy EH3 of Angmering Neighbourhood Plan requires new development to ensure that it does not increase the flooding impact on surrounding properties.

The site lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a Flood Risk Assessment - and therefore, no Environment Agency involvement in the application.

Furthermore, Arun District Council Drainage Engineers do not raise any objection to the scheme and instead recommend that conditions will be appropriate and will ensure that the site is satisfactorily drained.

On this basis, the application is considered to comply with the relevant development plan policies.

ECOLOGY

Policy ENV DM5 of the ALP 2011 - 2031 applies. The proposal has been assessed by our ecologist who has not raised any objection following receipt of requested reptile survey. Mitigation should be controlled by condition.

SUMMARY

The application site is outside the defined built-up area boundaries of Angmering and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 of the ADLP and policy HD1 of the ANDP which seek to protect the countryside and the Council can now demonstrate a 5.3 year supply of housing land through the recently adopted Local Plan 2011 - 2031 and NPPF paras 11 and 12 supports refusal of such applications where there is an up-to-date plan.

However, the site is located in a sustainable location with good access to local services and facilities and there are material considerations which warrant approval of the application contrary to these policies. These are that the proposal would not result in material harm to the character of the area or unacceptably visually erode the appearance of the countryside.

The proposed development 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.

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 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 2 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;

- (c) Appearance;
- (d) Access;
- (e) Landscaping.

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 3 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:

Site Location 1802-PL-100.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

- 4 Prior to any works being undertaken on the site reptile translocation must be carried out in accordance with the Reptile Mitigation Strategy dated May 2018 and the development shall proceed in accordance with the submitted Ecological Assessment by bakerwell ecological expertise dated May 2018.

Reason: In order to ensure preservation of biodiversity in accordance with policy ENV SP1 of Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to remove any reptiles prior to commencing any building works.

- 5 Development shall not commence until a revised surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. The drainage design must follow the principles set out in drawing numbers 1788/SK2 and 1788/D5.1. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policy W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure drainage occurs within the site.

- 6 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 7 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

- 8 INFORMATIVE: If there are any deep pits or holes onsite during the works there should be a

secured plank within them to allow a means of escape of any animals.

- 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.