

Recommendation Report for Planning Permission

REF NO: A/31/19/PL

LOCATION: Land between Ashurst & Badgers
Ham Manor Way
Angmering
BN16 4JQ

PROPOSAL: 1 No. two storey house (resubmission following A/87/18/PL). This application is a Departure from the Development Plan & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal would comprise a traditional two storey detached dwelling house, with an attached garage to the side. The proposed dwelling house would include a kitchen, living room, dining room as well as a garage and utility at ground floor level; with 4 No. bedrooms and a family bathroom above.
	There is space for the turning and parking of cars. Vehicular parking is provided within the attached garage, together with additional space provided to the frontage.
SITE AREA	1320 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	8 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Site is open
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/87/18/PL	Erection of 1 No. detached 2-storey, 5-bed dwelling with attached double garage (resubmission following A/176/17/PL). This application is a Departure from the Development Plan & affects a Public Right of Way.	Refused 22-08-18
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A/212/17/CLP Lawful development certificate for the proposed erection of 2 No. dwelling in accordance with planning permission A/2/57 PP Not Required 29-03-18

A/176/17/PL 2 No. dwellings. This application affects a Public Right of Way. This application is a Departure from the Development Plan Refused 09-11-17

**Appeal: Dismissed
18-12-18**

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No Objection

18 Objections.

- This application is the same as previous applications A/176/17 and A/87/18 relating to this parcel of Ham Manor Golf Club land, and as with the previous applications nothing has changed.
- Ham Manor GC is designated as a Green Space and as such is protected by the Angmering Neighbourhood Plan and is also defined as Green Space and Countryside within the Arun Local Plan. This should be retained.
- The site is readily visible from the public footpath. Building of the proposed dwelling, with such a high and wide frontage would greatly diminish the striking views afforded across the golf course and the open countryside beyond.
- The Council rejected the applicant's prior planning applications, and these decisions were upheld by the Inspectorate.
- The only difference now is the applicant.
- Planning permission has been granted for the southern section of this parcel of land under A/212/17/CLP, and the Appeal Inspector noted that any development of that site should be in keeping with the surrounding area. The house proposed under this current application is on a section of the plot which has already had 2 applications and an appeal refused.
- Dwelling is far too big and not in keeping with smaller chalet bungalow dwellings.
- Doesn't reflect existing character.
- The proposal would spoil the street scene.
- Development has reached its peak in this area.
- Greenspace is good for wellbeing.
- 2 smaller dwellings would be more in keeping.
- Dwelling is sited too far forward.

4 Support

- Planning permission has been granted for the southern section of this parcel of land under A/212/17/CLP and the Appeal Inspector noted that any development of the site should be in keeping with the surrounding area. All the land in this application is contained in the planning consent A/212/17/CLP confirming the land has outline consent for 2 dwellings.
- The Arun Planning Officer has already made a statement on the previous larger house design "The proposed dwelling has a similar set back from the site frontage as the existing dwelling to the north. The proposed dwelling would retain a minimum distance of 2M and is not considered any materially adverse

overbearing or overlooking effects would result to either of the existing residential properties to the north or south. The proposal would not adversely impact on the residential amenities of adjoining properties.

- Ashurst was massively extended recently. The footprint of this property is larger than the proposed build on a small plot and is two storeys.

- The vast majority of properties in Ham Manor Way are of two storeys and therefore this build would be very much in keeping. This site has always been marked for development since the estate was first conceived having an approval from this time.

- It is important that cash is raised for investment necessary to sustain the Golf Course. The letters of support, backed up by an independent Financial Analysis clearly demonstrates how urgent and critical this sale is.

- Angmering Parish Council has no objection to this development. Arun District Council has agreed the LDC for this site. The Independent Inspector has given support for a similar development on this site recognising the financial benefit to help sustain the Golf Club. On behalf of the Golf Club and its 800 members it is requested that these supporting facts are given appropriate consideration.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is considered that the dwelling proposed would be in keeping with the size and style of other properties on the estate.

The right to a view is not a material planning consideration.

The application will be determined against up to date policies which include the Arun Local Plan and the new NPPF.

Not all of the land outlined within the application site was the subject of application A/212/17/CLP. The site is 2m wider.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Southern Water Planning

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. The application is within an area of significant surface water flood risk. It appears to be in a surface water flooding flow path. Therefore the use of flood resilient measures is advocated. Conditions are requested.

County Highways - No Objection

condition imposed regarding ground levels to ensure that the development will not increase flood risk elsewhere.

Because of the sensitivity of the area we would like to ensure the surface water drainage for this application is appropriately designed. Therefore, if you are minded to approve this application please apply PCENG2.

Southern Water - No Objection. Informative requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

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

Angmering Neighbourhood Plan 2014 POLICY CLW2 Protection of Local Green Spaces

Angmering Neighbourhood Plan 2014 POLICY TM1 Local Highways

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 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 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.

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.

Policies HD1 Built Up Area Boundary, HD2 Parish Housing Allocations, HD4 Materials, HD5 Built Form, HD6 Housing Layout and Design, HD7 Housing Density, HD8 Parking for New Developments, EH3 Flood Prevention, TM1 Local Highways and CLW2 Protection of Local Green Spaces of Angmering Neighbourhood Plan are considered relevant.

The Angmering Neighbourhood Plan (ANP) has been made and policies HD1, HD2, HD3 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 not considered to comply with relevant Development Plan policies in that the site would result in the erosion and loss of part 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 site is outside of the built up area of Angmering (as defined by the Local Plan and Neighbourhood Plan) in a location that is not allocated for housing. Policy H SP1 establishes strategic housing, parish and town allocations - this site is not identified. 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.

Policies CSP1 and SDSP2 of the Arun Local Plan and HD1 of the Angmering Neighbourhood Plan establish the BUAB of Angmering and seek to prevent development outside of the BUAB. Whilst the site is not used for agricultural purposes the proposal would erode part of an established and recognised gap between dwellings which is defined as Local Green Space in the Arun Local Plan and adopted Neighbourhood Plan.

The area of the site which extends beyond the limits of the permitted Lawful Development Certificate would be used for residential development contrary to policy CSP1.

The adopted Local Plan is up to date in respect to the supply of housing, but the proposal does not comply with the 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) 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 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."

IMPACT ON LOCAL GREEN SPACE

Policy OSR DM1 of Arun Local Plan protects open space and states that existing open space should not be built on unless it is clear that the facilities are surplus to requirements, or the loss would be replaced by equivalent or better provision of open space, or the development is for alternative open space, sports, community, arts or cultural provision where the needs clearly outweigh the loss. The site area is not surplus to requirements and encroachment into the area of open space does not result in alternative or better provision elsewhere. The lawful residential use on the area permitted under the Lawful Development Certificate would provide financial gain for the golf club.

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. Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities. This proposal reduces the area of green space adjacent to a well used public footpath, where views across the open space by the general public would clearly be impacted and reduced. The development 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 opportunity to visually appreciate the Local Green Space will be reduced since the plot and boundary screening would extend the built form into a 2m width of what is currently an open area devoid of boundary treatment or structures.

Paragraph 101 of the NPPF states 'Policies for managing development within a Local Green Space should be consistent with those for Green Belts' and in relation to consideration of applications within the Green Belt. Paragraph 136 clarifies that 'Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans'. No exceptional circumstances are considered to have been evidenced in this particular case.

The decision to sell off the application site for development was made to secure the long term future of the golf club and the green space it provides. However, there is an extant planning permission for a residential unit that does not result in the same significant loss of LGS. 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. Refusal of this application would not prevent future residential development on the site. The Certificate is a material planning consideration.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan Arun Local Plan policy OSR DM1 and policy CLW2 of Angmering Neighbourhood Plan.

The development would have a small positive effect upon the supply of housing but the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, not be acceptable.

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)). The site is located outside of the defined BUAB in an area which is not sustainable as referred to a recent appeal decision for application A/176/17/PL where the Inspector stated "There are services and facilities in Rustington Retail Park, which is located on the A259 to the south of the site. However parts of the route to this area are not well served by footpaths or street lighting, partly due to the rural style of the area. The reality is that the route would not be attractive to those with children, the elderly or the disabled, especially during the winter months. It is therefore likely that residents would rely on the private vehicle to access services and facilities and the proposal would not integrate into the local infrastructure." The site is also designated as a Local Green Space which means that the proposal is contrary to the Development Plan.

SITE HISTORY

The site comprises an area of land that benefits in part from the lawful development certificate A/212/17/CLP. The relevant CLP refers to a slightly different site area, which is 2m wider than that now proposed and approx. 56 sqm larger. The site outlined is approximately 0.6m closer to the south western boundary and 1.5m closer to the north eastern boundary. This planning history is a material planning consideration. Although the site is outside the built up area boundary the recent Certificate of Lawfulness acknowledged that part of the application site has the benefit of an extant planning approval and development in this part of the site would therefore be acceptable in principle. However the application site is not confined to the approved limits of the Certificate and represents an incursion into a rural area and open space which would be contrary to policy and would result in material harm to the character of the open undeveloped area by extending the lawful residential curtilage into the golf course in a manner which would be readily visible from the public footpath. Whilst the principle of some form of development on the majority of the site has been established by the fallback position of the Lawful Development Certificate, the harm caused to the character of the area by the fallback would be less than the harm caused by the proposal.

FINANCIAL JUSTIFICATION

It is acknowledged that there is a financial need for this development in order to sustain the Golf Club business and that the proposals will enhance the viability and community value of the assets and support the ongoing delivery of the community value of the asset. The provision of funds arising from the sale of

the site to the Applicant (the value of which arrives from its ability to develop housing), assists in assuring financial viability of the Golf Club. Given that the development of part of the site for residential use is established by the Lawful Development Certificate it is clear that there are other options available to deliver residential development on the site and provide financial assistance to the golf club. 2 dwellings could potentially be provided on the Certificate Area which would not adversely impact on the potential financial income derived.

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.

Angmering 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.

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 erosion of the width of the gap would adversely affect the character of the area making the development tighter and less sporadic and spacious generally. 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 dwelling is large and is close to the north eastern boundary it will provide a significant garden area to the south and is set back on the site in a similar position to adjacent dwellings. The gaps to the northern boundary is similar to other properties on the estate and would allow for adequate boundary screening and planting. In terms of dwelling to plot ratio it is considered to be in keeping. The similar position in respect of the set back from the road frontage and replication of the pattern of adjoining development ensure that although the dwelling is large it is not significantly dissimilar in size and plot coverage to other dwellings along Ham Manor Way.

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 height of the dwelling and plot depth would be directly comparable with the neighbouring property to the south. The property design is

traditional and the use of differing materials provides 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 DDM1 of Arun Local Plan. However whilst the design of the dwelling is considered acceptable the proposal would adversely affect the character of the area and is therefore contrary to policy.

RESIDENTIAL AMENITY

The proposed dwelling has a similar set back from the site frontage as the existing dwelling to the south. The proposed dwelling would provide separation distances to side site boundaries in excess of 18m which are sufficient to prevent any materially adverse overbearing or overlooking effects to either of the existing residential properties to the north or south.

The proposal would not adversely impact on the residential amenities of adjoining properties. No windows are proposed at first floor or above in the side elevations.

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 therefore considered that the proposal would be in accordance with policy D DM1 of the ALP 2011 - 2031 and the guidance on residential amenity within the National Planning Policy Framework.

Accordance of the proposal with the Nationally Described Space Standards is achieved.

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 impact of this development would not be severe.

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.

There is no statutory requirement for the submission of a Flood Risk Assessment for this proposal and therefore there is 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

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.

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 Given the position of the dwelling within the established golf course which is outside the built up area boundary and designated as a Local Green Space in the Angmering Neighbourhood Development Plan the increase in width of the site closer to neighbouring side boundaries would represent an unacceptable incursion into the area and would constitute a prominent form of development which would adversely affect the character and appearance of the area in conflict with policies CSP1, DDM1 and OSR DM1 of the Arun Local Plan and policies HD5

and CLW2 of the Angmering Neighbourhood Plan.

- 2 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 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.