

Recommendation Report for Planning Permission

REF NO: A/45/19/PL

LOCATION: Bmw House, Chandlers Garage Ltd
Water Lane
Angmering
BN16 4EH

PROPOSAL: Demolition of existing buildings (car show room, workshops and Phares Courtledge) and erection of 19 dwellings, a convenience store, a community building, public toilets and associated car parking and landscaping - This application affects the character and appearance of the Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition of existing buildings (car show room, workshops and Phares Courtledge) and erection of 19 dwellings including 3 x 1bed apartment, 5 x 2 bed apartment, 4 x 2 bedroom terraced houses, 5 x 3 bedroom terraced house, 1 x 1 bed terraced house 1 x 1 bed detached maisonette, a 370 sq.m. convenience store, a 250 sq.m. community office building, public toilets and associated car parking and landscaping.
SITE AREA	0.47 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat with a gentle rise in height to the south west corner. The site has embankment walls to the south and east sides and subsequently the land to the south and east is at a substantially higher level in height than the application site.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to its boundaries however on the east and south sides the site is bounded by embankment cuttings of up to 4 metres in height.
SITE CHARACTERISTICS	The site is currently unoccupied. It was formerly the Chandlers BMW showroom and vehicle maintenance buildings with associated vehicle parking and manouvering areas.
CHARACTER OF LOCALITY	The site is in a predominantly residential area. It is bounded to the south west by Angmering High Street with a variety of shops and services.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No comments received.

2 letters of support:

- Will improve what is an eyesore at present.
- Developemnt blends well into village.

10 letters of objection on the following grounds:

- Removal of layby unacceptable as deliveries will reverse in and out of site.
- Night time deliveries will cause nuisance to nearby residents.
- Lead to indiscriminate parking on Water Lane.
- Insufficient parking.
- Design does not reflect local character.
- Materials inappropriate.
- Shop should face onto High Street.
- Cumberland Crescent would overlook gardens and windows of new dwellings.
- Will exacerbate flooding problems.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions section of the report below.

CONSULTATIONS

WSCC Strategic Planning

Engineers (Drainage)

Engineering Services Manager

Sussex Police-Community Safety

Environmental Health

Economic Regeneration

NHS Coastal West Sussex CCG

Environment Agency

Economic Regeneration

Arboriculturist

Parks and Landscapes

West Sussex Fire Brigade

West Sussex - Waste Disposal

Conservation Officer

Ecology Advisor

Planning and Housing Strategy

Environmental Health

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Environment Agency - No objection subject to conditions.

ADC Drainage Engineers - Objection. It has not been demonstrated that the proposals will not increase flood risk and the development can be adequately drained.

WSCC Highways - No objection subject to conditions.

ADC Parks and Landscapes - No objection.

ADC Environmental Health - No objection subject to conditions.

Sussex Police - No objection.

CDC Ecology - No objection.

Planning and Housing Strategy - Scheme acceptable subject to affordable housing provision as confirmed by Arun District consultants response to applicants viability assessment.

ADC Conservation Officer - No objection. The scheme would cause less than substantial harm to heritage assets.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. A full version of consultee comments above can be viewed on the website.

POLICY CONTEXT

Designation applicable to site:
WITHIN BUILT UP AREA
CONS AREA

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
HERDM1	HER DM1 Listed Buildings
AHSP2	AH SP2 Affordable Housing
TSP1	T SP1 Transport and Development
INFSP1	INF SP1 Infrastructure provision and implementation
HERDM3	HER DM3 Conservation Areas
RETDM1	RET DM1 Retail development
SDSP2	SD SP2 Built-up Area Boundary
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[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 EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY HA3 Chandlers Site

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

Policies HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design and HD8: Parking for New Developments and housing allocation AH3 of the 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 not considered to comply with relevant Development Plan policies in that no affordable housing is proposed and there is an unacceptable shortfall in on site vehicle parking.

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 proposed development falls within the Built Up Area boundary (BUAB) in the Arun Local Plan and the BUAB in the Angmering Neighbourhood Plan.

The application is therefore considered acceptable in principle subject to other policies within the Local Development Plan including the Arun Local Plan (ALP) and Angmering Neighbourhood Plan (ANP).

The key policy considerations in the determination of this application are policies D DM1, D DM2, D SP1,

AH SP2 and W DM2 of the ALP; Policies HA3: Chandler's Housing allocation, HD4: Materials, HD5: Built Form and HD6: Housing Layout & Design and HD8: Parking for New Developments of Angmering Neighbourhood Plan and the NPPF.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 seeks to ensure that minimum space standards for new dwellings are adhered to.

Policy D SP1 - 'Design' states that all development proposals should seek to make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy HD1 of the Angmering Neighbourhood Development Plan states that development of the Angmering Village should be focussed within the Built Up Area Boundary.

Policy HD4 of the Angmering Neighbourhood Development plan seeks to ensure that development requiring planning permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy HD5 on the Angmering Neighbourhood Development Plan states that proposals should demonstrate they have considered the impact on their surroundings. This means that the proposed development should conform to the existing built form of the area, and constitute a positive addition to the current style, and mix. New development must integrate well with the character of the locality, and its landscape setting.

Policy HD6 of the Angmering Neighbourhood Development Plan sets out criteria for the housing layout and design principles of proposed development. Proposals should demonstrate a high quality design, reflect local distinctiveness and incorporate local design features evident in buildings in the locality. Retention of trees and hedgerows is also encouraged.

Policy HD8 supports the WSCC parking standards and encourages all new development to follow them.

Policy HA3 of the Angmering Neighbourhood Plan allocates the site for residential development.

Section 12 of the NPPF refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live.

Paragraph 102 e) seeks that 'patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.'

Paragraph 155 states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).'

Paragraph 157 goes on to say 'All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below.'

Paragraph 158 then says 'The aim of the sequential test is to steer new development to areas with the

lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'

DESIGN AND VISUAL AMENITY

In assessing the development it is worth dividing it up into segments depending on the frontage.

Plots 1 - 5 and building earmarked as replacement Angmering Parish office - High Street.

These are traditionally designed buildings and terraces which front directly on to the High Street providing an active frontage. The idea is that the development would match the rest of the Conservation Area with buildings opening directly onto the pavement. All servicing, car parking and garden space would be to the rear of the buildings accessed by a service road.

Plot 6 and plots 7-11 - Internal Service Road

Housing accessed off the service road. These would be of a similar design to the buildings at Plot 1 - 5 using white painted bricks and horizontal timber boarding. The buildings are up to 3 stories in height in a town house style.

Retail Store with Flats 12 - 16 above - Water Lane

The retail unit with shops above has a simple but traditional design utilising horizontal weatherboarding and facing bricks with a slate or slate effect roof. Access and parking would be onto internal service roads with an active frontage within the site.

Plots 17-19 apartments - Water Lane and Cumbernauld Place

Vertical tile hanging at first floor with facing brick at ground floor with a slate/slate effect tiled roof.

The design of the dwellings is generally acceptable. The proposal incorporates traditional designs with a simple appearance and a materials palette reflective of houses in the local area such as tiled roofs, painted brickwork, horizontal weatherboarding, tile hanging and stock brick work with a particular feature of flint and lime panels on the new parish council building. Precise details of the materials are not provided and a condition could be used to ensure the Local Planning Authority can control the final colour of brickwork, cladding, tiling, paintwork and slate.

The scheme comprises a well-balanced layout and appropriate house design for its location within existing residential development. The amount of development is considered to be appropriate in context with the surrounding residential development and would make more efficient use of this previously developed land for residential use in line with the Council's guidance on density and development management issues generally.

The scale of the development is responsive to the site's surroundings with two storey buildings surrounding the site on High Street, Water Lane and Cumberland Crescent. The elevational drawings submitted show the proposed dwellings would not exceed 8.6 metres in height with the exception of units 9-11 at 11 metres in height but they are located internally within the site. Roof forms are generally gable ended with some half-hipped roofs in order to add variety and interest to the street scene and reduce mass and bulk. The ridge height accords generally with built form in the vicinity.

It is considered that house designs and site layout has led to a well-proportioned scheme, where the proposed development is in a townhouse style commensurate with its village centre location. The development compares favourably with other nearby properties, and would provide an appropriate scale of development consistent with the surrounding form of residential development local to provide much needed additional housing within the district without resulting in harm to the character of the area.

The site layout is urban in character which is commensurate with the location in the village centre.

The proposal is considered to accord with the National Design Guide and the emerging Arun District Design Guide (Chapters J & L) in that the use of matching materials, form and scale of building responds to local character and identity. In line with chapter O the development would be appropriate in the following respects:

- It integrates in terms of form, character, scale and massing with the surrounding townscape and landscape to ensure that buildings reflect their setting.
- The development has been informed by a comprehensive site appraisal (design statement).

It is therefore considered that the proposal accords with policies D DM1 and D SP1 of Arun Local Plan and HD4, HD5 & HD6 of Angmering Neighbourhood Plan.

AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan requires that for all developments of 11 residential units or more the Council will require a minimum of 30% of the units proposed to be provided as affordable housing.

Following the submission of a viability assessment claiming that the proposal could not deliver any affordable housing the Council's independent consultants have not accepted these findings and conclude that a contribution for affordable housing could be made.

The applicants, in response, still refuse to make a contribution in conflict with policy AH SP2 of the Arun Local Plan.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development should have minimal impacts on adjoining occupiers, land, use or property. None of the NP policies specifically refer to residential amenity issues.

In this case the layout of the dwellings has been considered in terms of separation distances and fenestration so as to protect the amenities of neighbouring residential occupiers. It does not result in materially adverse overlooking of neighbouring properties.

The properties generally benefit from a 20 metre separation distance from primary elevation to primary elevation facing with the exception of plots 7 & 8 which face properties at Cumberland Crescent to the rear at a distance of 15-16 metres however there are no facing windows at first floor level in the newly proposed properties and there is a difference in land levels with the properties on Cumberland Crescent significantly higher in level with an embankment wall between. This would prevent any significant overlooking or loss of privacy to the existing and proposed dwellings.

Separation distances between the development and existing dwellings are therefore sufficient to prevent overlooking or overshadowing of neighbouring properties.

The commercial and administrative properties would cause additional traffic movements, parking and manouvering over and above what would normally be expected in a residential development however it must be taken into account that the site has planning permission and was previously used for commercial use including HGV movements and regular movements of vehicles on and off the site as well as the noise of the use of buildings for car mechanics. As such, subject to proposed conditions restricting delivery times, the proposed uses including deliveries and movement of retail customers on and off site is not considered to cause an unacceptable loss of residential amenity to existing and proposed dwelling houses.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with policy D DM1 of Arun Local Plan.

SPACE STANDARDS

Policy D DM2 of the Arun Local Plan require room sizes to be of an appropriate size having regard to the Nationally Described Space Standards.

The proposed proposed properties would be as follows when compared to the Nationally Described Space Standards;

Plot 1-4 72.5 sq.m - Standard 79 sq.m.
Plot 5 127 sq.m. Standard 93 sq.m.
Plot 6 50 sq.m. Standard 50 sq.m.
Plot 7 98.5 sq.m. Standard 93 sq.m.
Plot 8 50 sq.m. Standard 50 sq.m.
Plot 9 105 sq.m Standard 99 sq.m.
Plot 10- 11 139 sq.m. Standard 108 sq.m.
Plot 12 - 74 sq.m. Standard 61 sq.m.
Plot 13 - 57 sq.m. Standard 50 sq.m.
Plot 14 - 73 sq.m. - Standard 61 sq.m.
Plot 15 - 73 sq.m. Standard 61 sq.m.
Plot 16 - 52 sq.m. Standard 50 sq.m.
Plot 17 - 70.5 sq.m. Standard 70 sq.m.
Plot 18 - 65 sq.m. Standard 70 sq.m.
Plot 19 - 48 sq.m. Standard 50 sq.m.

The proposed residential properties generally comply with the National Standards with the exception on Plots 1-4 and Plots 18-19 where the space standard achieved is within 10% of the required standard. This shortfall is not so great as to represent a reason for refusal.

The development provides for courtyard gardens for most dwelling houses mostly close to 5 metres in length or balconies in the case of apartments. That provided in this case generally accords with garden sizes to be found in adjoining properties in what is a town centre location. It is noted that the apartments above the retail plots 12 - 16 have no balcony or outdoor space. This deficiency on its own is not sufficient to refuse the application.

IMPACT ON THE SETTING OF LISTED BUILDINGS AND CONSERVATION AREA

The proposed development would affect the Angmering Conservation Area and the setting of Eachways a grade 2 listed building which occupies the north western tip of site. Currently the building is set within a relatively modern style commercial unit including industrial sheds and a flat roofed modern building.

The demolition of the units and the construction of slate pitch roofed buildings of a similar size and proportion to Eachways and the other two storey listed buildings within the Conservation Area would constitute a significant improvement in the Conservation Area and the setting of the Listed Building.

Section 66 of the Planning (Listed Building and Conservation Area) Act 1990 states that the decision as to whether or not to grant planning permission, for development which affects a listed building or its setting must have regard to the desirability of preserving the building or its setting. Section 72 of the

same act applies special regard to the desirability of the preservation of the character and appearance of Conservation Areas.

Paragraph 189 of the National Planning Policy Framework (NPPF) requires such information to be provided in order to assess the impact of the proposal upon these assets. The applicants have submitted a heritage statement that complies with this requirement.

Paragraph 196 states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

In this instance, it is considered that the proposed development causes less than substantial harm to the Conservation Area and the setting of the Listed Building close to which it is sited. The public benefit of developing a derelict site and the quality of the buildings proposed adjacent to the Listed Building and in the Conservation Area are considered to address the less than substantial harm and therefore the proposal should be determined in accordance with the relevant sections of the Development Plan.

The design of the development scheme is commensurate with its location in a historic village centre and therefore the proposal is considered to comply with policy EH1 of the Angmering Neighbourhood Plan and Policies HER DM1 & HER DM3 of the Arun Local Plan.

HIGHWAY SAFETY AND PARKING

West Sussex County Highways have raised no objection to the scheme accepting the level of parking, visibility splays and accesses into and out of the development. A number of conditions were requested securing cycle parking, road layouts and a construction management plans. The impact of the development would not have a severe 'residual' impact over and above the existing use of the site.

The proposal would however represent a shortfall in parking provision when assessed against the Arun Parking Standards Document. The 7 apartments are only provided with a single parking space when the requirement of the parking standards is for 2 parking spaces each. There is also no allocation for visitor parking spaces which represents a further shortfall of 4 spaces.

The retail space has a maximum parking standard of 26.5 spaces but provides only 16 spaces.

The community office building has a requirement for 8 spaces but only provides 4 spaces.

This is a significant shortfall which is likely to lead to congestion of local roads which are not capable of accommodating on street car parking without having a detrimental impact on general highway safety in conflict with the Arun Parking standards and policies TSP1 of the Arun Local Plan and HD8 of the Angmering Neighbourhood Plan.

FLOODING

According to Environment Agency flood maps and records the proposed development is shown to be within a Flood zone 2 (Medium Probability) and Flood zone 3a (High probability). A Flood Risk Assessment has been submitted with the application and the Environment Agency have not raised any objection to the scheme.

Paragraph 157 of the NPPF states that 'All plans should apply a sequential, risk-based approach to the location of development - taking into account the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual

risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below.'

Paragraph 162 of the NPPF states that 'Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.'

It is noted that the site is allocated for residential use in the Neighbourhood Plan (Policy HA3) and therefore complies with the sequential test.

Paragraph 160 of the NPPF states that 'For the exception test to be passed it should be demonstrated that: its

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

The site is considered to be socially, environmentally and economically sustainable due to its town centre location and acceptable impact on residential amenities and visual appearance (environmental factor), as expanded above, and the contribution it is capable of making towards affordable housing and construction jobs (social and economic factors).

Whilst the Council drainage engineers have objected to this proposal they concede that with conditions any harm by way of flooding/drainage could be avoided.

The proposed development is considered to have an acceptable impact on drainage and flooding and complies with policies W DM2, W DM 3 and W SP1 of the Arun Local Plan and the NPPF.

OPEN SPACE AND OTHER INFRASTRUCTURE

The contributions required by WSCC for library, education, waste and fire services are to be provided via the required CIL payment.

Open space requirements for residential development are generated via the Council's SPD on open space adopted in January 2020. The Council's landscape officer has commented in May 2020 to say that she has no further landscape comment to add to her original response on this application of October 2019 where she stated that there was no requirement for open space from this development.

This is a CIL Liable development so CIL monies will be sought accordingly.

The landscape layout for this development has to cater for a varied range of development within the site and therefore offers little opportunity for enhanced onsite POS and green areas.

Her recommendation remains as no Landscape objection.

The application is therefore compliant with policy INF SP1 of the ALP which requires development to contribute towards the additional infrastructure that proposals generate.

CONCLUSION

Due to the objections of a lack of affordable housing and insufficient car parking 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 scheme fails to provide an affordable housing contribution in conflict with policy AH SP2 of the Arun Local Plan.
- 2 Adequate provision is not made on the site for the parking of vehicles to the standard required by the Local Planning Authority which will attract standing vehicles interrupting the free flow of traffic on the public highway and thereby add to the hazards of road users in the immediate locality in conflict with policies T SP1 of the Arun District Local Plan and HD8 of the Angmering Neighbourhood Plan.
- 3 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.