

Recommendation Report for Outline Consent

REF NO: A/46/21/OUT

LOCATION: Land at Downs Way/Heathfield Avenue
Downs Way
East Preston
BN16 1AB

PROPOSAL: Outline application with all matters reserved for the erection of a pair of one and a half storey semi-detached dwellings with vehicular access, private amenity space & landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Permission is sought for outline approval for the erection of 2 chalet style semi detached dwellings with all matters reserved which include layout, scale, appearance, access and landscaping. Indicative plans have been submitted to demonstrate how 2 dwellings could be accommodated on the site.
SITE AREA	1353 sqm
RESIDENTIAL DEVELOPMENT DENSITY	15 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	Some trees are indicated to be felled and some trees within site will be retained. The proposal includes a Tree Protection Plan.
BOUNDARY TREATMENT	Open boundaries to the site.
SITE CHARACTERISTICS	A grassed area of informal open space serving surrounding housing estate.
CHARACTER OF LOCALITY	A residential area comprising mainly detached and semi detached bungalows.

REPRESENTATIONS

Angmering Parish Council

- Unacceptable loss of trees/green space amenity to the detriment of residents and street scene.
- It is presumed green area was a design feature in layout of Downs Way when originally constructed.
- Conflicts with the Angmering Neighbourhood Plan Policies HD5 and HD6.

15 Objections

- There is already too much traffic using Downs Way.
- It is a dedicated cycle route, and route for children to the local school, and all the extra heavy vehicles and plant will potentially cause an accident / death on the road.
- Will overlook those in Downs Way, which will cause consternation with the current residents.
- Insufficient trees / shrubs proposed to replace those taken out.

- Trees/shrubs deaden noise from the A259, which is going to be a dual carriageway.
- It is taking away a piece of green land that children play on.
- It will devalue the existing properties directly opposite.
- It is not working in harmony with the environment to conserve natural resources and biodiversity. We have already lost a lot of trees and meadowland locally with the road widening.
- It does not enhance the local landscape but brings more concrete and traffic to an already overloaded road, Downsway is a well known local rat run and the police are aware of the traffic issues.
- Removal of one of the very limited number of green spaces available to estate is contrary to objective of providing accessible community facilities particularly to growing number of elderly local residents.
- Removal of green space would by any environmental measure be harmful. Green spaces are beneficial to mental/physical well-being. Angmering grown significantly in recent years and just accepted it as necessary.
- Do not need two more houses at expense of our irreplaceable and very limited green space, and have lost enough trees locally.
- Adverse impact on view and outlook.
- No ecology checks undertaken.

COMMENTS ON REPRESENTATIONS RECEIVED:

The representations will be addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No Objection

Conditions suggested relating to noise, contamination and CMP.

Ecology Officer - Objection

No protected species surveys have been undertaken so unable to establish if protected species present. Prior to determination we require a walkover survey of the trees to determine if there is potential for protected species, including bat roosts in the trees. The survey must be undertaken by a trained ecologist to determine the presence of protected species and the impact a development would have on the surrounding environment. If there is potential for protected species further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination.

County Highways - No Objection

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

WSCC Mineral Consultation Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
TSP1	T SP1 Transport and Development
ENVDM5	ENV DM5 Development and biodiversity

[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

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

Policies HD 5, HD6 and HD 8 of the Angmering Neighbourhood Plan are considered relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that the development of the site will result in the loss of a useable and valuable piece of informal open space and would serve to detrimentally alter the character and appearance of the area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The application falls to be assessed against policies within the Arun Local Plan (ALP) which include policies D DM1, D SP1, HWB SP1, OSR DM1 and T SP1. Additionally policies HD5, HD6 and HD8 of the Angmering Neighbourhood Plan are relevant.

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

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 HWB SP1 All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular regard shall be had to providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space.

Policy OSR DM1 states that existing open space, outdoor and indoor sport, community, arts and cultural facilities should not be built on or redeveloped for other uses.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy HD5 on the Angmering Neighbourhood Development Plan states proposals should demonstrate their consideration of the proposal on its surrounding. This means the 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. Finally, it should not adversely impact upon the landscape setting.

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

DESIGN AND VISUAL AMENITY

Part P of the Arun Design Guide relating to infill development refers to the need for proposals to 'Respond positively to the character, appearance and layout of surrounding buildings to provide high quality infill development which enhances amenity for surrounding and new residents.' It states surrounding buildings and spaces must inform an appropriate infill design response in order to contribute to a sense of cohesion and unity. By developing this open space which is readily visible in the street scene and which contributes positively to the sense of space in the development as a whole an element of unity and character in the housing development would be lost. This is one of a number of small open spaces in the development which make a positive contribution to the visual amenities of the estate generally providing an openness and break in built form which is part of the character of the area.

The deletion of this section of open space would affect the openness of the area and harm visual amenity in the area. The area fronting Downs Way is characterised by properties set back from the highway. Building and erasing this area of open space and bringing development hard up against the highway would substantially and harmfully alter the character of the area in conflict with policies D SP1, D DM1(1) and (13) of the Arun Local Plan and policy HD 5 of the Angmering Neighbourhood Plan.

The current layout of the open space is in accordance with the adopted Arun Design Guide (ADG) part H.03 which promotes adequate natural surveillance and supports the presence of differing open spaces to meet the needs of local users. To develop the site would run contrary to the provisions of the ADG.

HEALTH AND WELLBEING

In line with the Health and Wellbeing policy HWB SP1 of the Arun Local Plan development should maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The proposal would remove an area of accessible open space part of the local infrastructure which lends itself to physical exercise and health. In doing so it would adversely affect health and wellbeing in the area in conflict with policy HWB SP1 of the Arun Local Plan.

OPEN SPACE

Policy OSR DM1 states that existing open space should not be built on or redeveloped for other uses. The proposal would build over an area of informal open space contrary to policy OSR DM1.

RESIDENTIAL AMENITY

The application contains an indicative layout and elevations. The building would be located such that no loss of light, overbearing impact or loss of privacy would occur as a result. The proposal would therefore accord with policy DDM1(3) of Arun Local Plan.

HIGHWAY SAFETY AND PARKING

County Highways raise no objection on highway grounds. The proposal is considered compliant with policy TSP1 which requires safe access to the highway network for any development. Parking provision should be provided in accordance with Arun Parking Standards. For a development of this size, the LHA would expect a parking provision of at least four parking spaces. Parking bays must meet the minimum specifications for single car bays of 2.4m x 4.8m, and single-car garages of 3m x 6m. Demonstration of cycle parking provision, in accordance with Arun Parking Standards, would be expected at reserved matters stage. Arun Parking Standards require provision for at least one cycle for a two-bedroom house.

1 off road parking space is shown which is a shortfall of one space from that required according to the Arun Parking Standards Supplementary Planning Guidance. This is an in principle application with drawings for indicative purposes only such that this should not form a reason for refusal at this stage.

BIODIVERSITY

The proposal does not contain ecology surveys and as a minimum the submission of a walk over survey would be required prior to determination to establish if protected species are present. The proposal should also include details of biodiversity net gain in accordance with policy ENV DM5 of Arun Local Plan and none are provided. In addition the proposal includes removal of trees which make an important contribution to wildlife and it is likely that given the size of the site and likely relationship of the proposed dwellings to trees further trees will require removal.

SUSTAINABLE DEVELOPMENT

The Council cannot demonstrate a 5 year housing land supply. There is a 3.3 year supply. Therefore, paragraph 11(d) of the National Planning Policy Framework is engaged. The development would provide an increase of 2 dwellings with the associated economic and social benefits that this entails which weighs in favour of the scheme, although due to the size of the development they are modest in their scale. The lack of harm in relation to living conditions and any other matters is a neutral factor that would not weigh in favour of the scheme.

However, there would be environmental harm arising from the permanent harm to the character and the appearance of the area in a highly visible position and the loss of valuable amenity area. Therefore, even though housing land supply is at a shortfall, the adverse effects of the proposal significantly and demonstrably outweigh the modest benefits, when considered against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply) (CIL Zone 4)

RECOMMENDATION

REFUSE

- 1 The development would result in a significant reduction in an area of open space which is one of a number of similar areas which are integral to the character and appearance of the locality and which also contribute to the health and well-being of local residents. The significant reduction in quantity of open space would result in significant harm contrary to the aims and intentions of policies D SP1, D DM1, HWB SP1 and OSR DM1 of the Arun Local Plan.
- 2 The proposal contains no details to achieve a biodiversity net gain as part of the development and fails to demonstrate whether protected species are affected in conflict with policy ENV DM5 of Arun Local Plan, causing harm to biodiversity/wildlife..
- 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 determining the application within a timely manner, clearly setting out the reason(s) 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and

is also willing to provide pre-application advice in respect of any future application for a revised development.