

REPORT UPDATE

Application No: A/51/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Reason for Refusal no 3 has been amended to refer to policy AH SP2 .

The Landscape Officer's and Tree Officer's comments have been received and state:

No Objection: There would be no requirement for play or play area contribution. However greening to soften the development would be required. The Supplementary Planning Guidance states that for developments aimed at non-family dwellings, there will be the requirement for other forms of open space more appropriate to the needs of the residents. These areas need to be attractive, accessible and appropriately designed.

Whilst there has been a landscape plan produced Landscape Proposals Dwg no 101G is an indicative layout which we would require to be submitted in detailed plan form listing species choice with specific quantities of each, with planting densities and size at time of planting. Planting beds and specimen shrubs have been indicated which will give an element of greening, these will need to be confirmed in order for the full picture to be seen and screening trees to be incorporated as appropriate in consideration of the surrounding properties. The communal courtyard patio should be stimulating and attractive particularly important for residents who may potentially be confined to these areas, the stimulation of what's outside should not be underestimated in providing a valuable and pleasant place to live. The indicative scheme appears suitable for use and location and should be conditioned. A detailed plan will be required to take account of the existing preserved trees on the site and their replacement.

The comments of the Council's Affordable Housing Manager have been received and state:

Objection - The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the District where more than 11 units are proposed such as on this site. The applicants are not proposing any dwellings for affordable housing which does not meet this specific policy requirement. The Policy requires a tenure split of 75% rented and 25% intermediate housing.

Housing Need.

There is high demand for affordable housing throughout the Arun District for both rent and low cost home ownership. As at November 2018 there were 890 households in housing need on the Council's housing register.

All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition.

To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a) 30% (19 units) of affordable housing on-site as part of the development with the tenure as above;
- b) Provide 19 units for affordable housing elsewhere in the district as part of a bespoke application;
- c) Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £1,520,000 (19

x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

A Councillor Briefing Note has been received from the agent advising that the application is for a very high-quality care home and is supported by the Parish Council and neighbours.

Benefits of the proposals:

- A community-centred, inclusive nursing and dementia facility.
- Award winning, care-focussed owner/operator.
- Providing choice for local elderly people and their families.
- High quality architecture, materials, and build.
- Outstanding landscaping and gardens.
- New native tree and shrub planting.
- Appropriate removal of non-native, invasive Leylandii.
- Many job opportunities at all levels.
- Boost to the local economy with direct and indirect job creation and local spend.
- On site facilities, which can benefit the local community.
- The site is near the village centre and on a bus route.

The following comment was made to the planning officer from Angmering Parish Council

"Angmering Parish Council support application A/51/18/PL as per the revised plans submitted. The development is considered a good use of the land in question with the building form appropriate to the environment which along with provision of employment is in accordance with the Angmering Neighbourhood Plan"

Addressing the issues:

A public consultation event and feedback from the Parish Council flagged up some concerns on the original application. The revised plans address all the concerns and now have the full backing of the parish council, who state that the revised plans accord with their Neighbourhood Plan.

The revised plans represent the following:

- A reduction in height, bulk, and scale.
- A reduction in number of bedrooms.
- Ability for residents to consult Doctors on site.
- No reduction in onsite facilities.
- Increased amount high quality on-site open space for the care home residents.
- A visually attractive and acceptable design.
- A positive impact on the street screen.
- Removal of non-native Leylandii, where appropriate.
- Extensive new landscaping.
- A discretely located building with ample parking.
- Acceptable relationships with neighbouring residential gardens and houses.
- A safe, secure, and caring home and gardens for the most vulnerable in our society.

Viability: The viability report was submitted to the Council in April 2018. The planning department sent the viability report to the District Valuer in September 2018. Due to this delay, and through no fault of the applicant, there has been insufficient time for proper discussions. Therefore, we respectfully request that should you be minded to grant permission, agreement on the viability and Section 106 should be conditioned, or delegate approval to allow discussions to be completed.

The Agents have also submitted a Commentary on the Development Control Committee Report which states:

Introduction - A number of issues are raised in the planning officer's report. These confirm that the scheme is acceptable in respect of a number of issues whilst also highlighting a small number of objections. This note sets out why the scheme is acceptable in respect of the points raised in the officer's report.

Principle of Development - The planning officer's report acknowledges that the site lies within the defined built up area within which the principle of residential development is accepted. It is also noted that outline planning permission for 18 residential properties has also been granted on the site. This proposes residential development across the entire length of the site including up to the eastern boundary.

Visual Amenity and Design - The officers confirm that the mainly 2 storey care home with an upper second floor contained within the roof is similar to neighbouring buildings and is considered acceptable in terms of height. It is also accepted that the appearance of the elevations in detail design terms is appropriate. Moreover, the officers note that the use of different materials helps in visually splitting the building into sections. Accordingly, the proposed height and design of the care home is acceptable.

Residential Amenity - The officers confirm that the proposal by reason of the sensitive location of the care home and its positioning of windows ensures that sufficient distance between the development and site boundaries has been achieved to prevent any material adverse overbearing effects or overlooking to neighbouring properties. Accordingly, the officers confirm that the proposal is acceptable in respect of residential amenity considerations.

Impact on the Character of the Area - Roundstone Lane

The site is characterised by strong landscape containment. This includes along Roundstone Lane which in part contributes to its soft landscaped character. There should be no objection to the building being set back from the lane with the successful retention of existing frontage trees. The officers accept that "the retained and proposed vegetation on the western boundary will maintain and enhance the existing tree lined and vegetated nature of Roundstone Lane". In this regard there should be no objection to the car park at the front. This will not be clearly seen from Roundstone lane. Furthermore the car parking area will be split by a belt of new planting with an area for landscaping to the front to soften its appearance. The suggestion that the car park will provide a hard site frontage is therefore misleading. In light of this and given there are no objections to the height and detailed design of the building there should be no reason why the proposal is not therefore acceptable in respect of the character of the area with an open frontage to Roundstone lane.

Development at the Eastern end of the site - The officers object to the proposal extending beyond the eastern limit of developments that lie to the north and south. Three points arise in this matter.

Existing Site plan - Firstly, with reference to the existing ordinance survey plan above, the existing house on the site lies beyond the eastern limit of development to the north.

Proposed site Layout Plan - Secondly, with reference to the proposed site layout plan above, the proposal extends a similar distance to the east by comparison to development in Brougham Grove to the south.

Approved 18 unit application site layout plan - Thirdly, with reference to the approved outline layout plan, condition 3 to this permission suggests that the development should be carried out in accordance with this plan. It is clear that this approval shows the location of houses close to the eastern boundary and beyond that proposed in this application and beyond developments to the north and south. Accordingly, there should be no objection to the proposed location of the care home in the centre/rear part of the site. Furthermore, the existing private house and its associated private garden together with the most recent planning approval on the site clearly establishes the principle of development at the rear of the site and

the abandonment of an area of larger open space on the eastern half of this site. That said, the proposal does include open-space proposals at the eastern end of the site which, spatially, relate to the areas of open space to the north, east and south. This will be an improvement by comparison to the approved 18 unit residential scheme which included a terrace of four properties and a detached unit at the far eastern end of the site where open space is now proposed as part of the care home scheme.

The proposal has acceptable relationships to residential properties to the north and south, and the building will also sit in a wider area of open space to the north, east and south east. In this regard the proposal, which the officers confirm is acceptable in height and design terms, should not give rise to any harm to the character of the surrounding area.

Pedestrian and Vehicular Links - The site represents a standalone plot which with existing strong landscape boundaries has no visual or physical connection to the neighbouring estate development to the north, south and east. The existing pedestrian and vehicular links around the site provide convenient access to the north and south as well as east-west routes. As a result, there is now no need for additional pedestrian/vehicular links through the application site. These would only duplicate existing routes.

Density - In respect of density considerations, it is misleading to compare a 64 bedroom care home proposal where each bedroom is compared with a house on the neighbouring residential estate development. Furthermore, if the proposal is acceptable in respect of height, design, relationships with neighbouring residential properties, trees, drainage/flooding, ecology /biodiversity and car parking provision, then there should be no issue with the resulting numerical density calculation. Furthermore, the level and nature of open space provided within the scheme is designed to meet the particular needs of the elderly residents. This too is different to the open space requirements associated with more conventional residential estate development.

On-Site Amenity Space - In respect of on-site open space, Hallmark, the applicant, prides itself with bespoke, high quality landscaped open spaces that meet the needs of the residents as well as providing attractive immediate settings to the care home. The level, location and form of open spaces around the proposed care home are sufficient to meet the needs of the elderly residents and are indeed generous compared to many other care home proposals, as evidenced by Hallmark's own density comparisons submitted as part of the application.

Viability Considerations - The applicant submitted a viability assessment on 23rd April 2018. The applicant has been open to discuss and agree the findings of this assessment for the last 5 months. The assessment establishes the levels of appropriate contributions. In these terms, and subject to the completion of viability negotiations, the proposal is consistent with policy INF SP1 in respect of affordable housing provision, infrastructure and additional healthcare facility contributions. It is premature for the officer's report to refer to an absence of a s106 agreement when the applicant remains open to discuss the findings of the viability assessment. To date there have been no approaches to the applicant's viability consultant to engage in any such negotiations. The Council sent the Viability Statement to their appointed surveyor on the 20th September 2018.

Benefits /Conclusions

The application provides a care home facility that not only meets important needs but provides an important local community facility for the local populous as well as a genuine employment generating use. Collectively, the proposal delivers a significant number of benefits to the local area without any harm to any planning consideration.

To conclude, the proposal has many benefits, as recognised by officers, and for the reasons set out above does not result in any unacceptable harm to the visual amenity of the locality by reason of the proposed layout of the site, the footprint and site coverage of the care home and its associated car park

and onsite open space.

The proposal, as accepted by officers, retains and enhances the landscape setting to Roundstone Lane, does not result in any unacceptable relationships with the adjoining open space to the rear, comparing favourably with previous approved schemes, whilst the lack of any linkages with developments to the north and south of the site does not give rise to any harm owing to existing linkages already now provided.

For all these reasons the application scheme has significant merits and should be approved

Officer comment

It is acknowledged that the existing dwelling is set back from the site frontage, but the area in front of it is landscaped and it is not dominated by car parking.

There is a need for the scheme to be integrated with other surrounding developments and permeable by using linked footpaths through the development to the adjoining developments and the open space in line with the agreed Masterplan.

The density calculations have been used to demonstrate that the proposal is high density and an over development of the site. The proposal should incorporate sufficient space around the development to ensure it is in keeping with its setting. The amount of external space not used for car parking is limited and indicative of an overdevelopment of the site.

The findings of the viability assessment are set out below. The lack of contributions is only one of a number of recommended reasons for refusal. At the time of making the decision there is no Agreement relating to contributions. If an Agreement is subsequently provided this reason for refusal would then be withdrawn and not defended at appeal.

Viability - The Viability Report from Dixon Searle has been received. This provides an independent check of, and opinion on, the planning applicant's viability information. It is noted that since the original application was submitted and the Financial Viability Statement was carried out, the applicant has amended the application and reduced the number of bed spaces from 71 to 64. No updated financial viability statement, or updated costings regarding construction of the scheme, have been provided therefore they assessed the FVS as submitted, on the basis of a 71 bed space care home. It is unlikely that the recent changes would lead to improved viability.

Dixon Searle were broadly in agreement with the methodology and the assumptions used by the agent in their viability statement. The conclusion in the agent's viability statement was that the development is only able to sustain a planning obligation payment of £12,350.

Dixon Searle agreed that the scheme will not support a policy compliant level of affordable housing. This is in line with their experience deriving from analysis of similar schemes and from CIL viability assessment work, which is that development genuinely falling within Use Class C2 usually has a different viability profile to that associated with C3, owing primarily to the increased development costs overall, and those not being balanced out sufficiently by the values side in many cases. The main point of contention is the use of an Alternative Use Value to arrive at the Benchmark Land Value, which is based on a previous outline permission issued in 2015 for a residential development in the garden of the existing house, and retaining the existing house. The applicant has used a general figure for land value. Using a different methodology Dixon Searle considered that the Council should be able to seek an additional £128,300 in financial contribution - thus a total of £140,650.

Given this identified scheme viability, which is less than the total of the contributions identified for infrastructure, NHS and affordable housing, discussions will need to take place at a later stage to determine how financial contributions would be divided.

The Council has sought Counsel's opinion on paragraph 64 of the National Planning Policy Framework

with regard to contributions towards affordable housing.

Paragraph 64 states:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site

A recent legal blog suggests that para 64 only refers to the 10% which should otherwise be a form of home ownership rather than the affordable element as a whole.

These exemptions largely relate to housing models or sectors of the market where allowing people to buy or acquire their homes at a discounted or reduced rate would make no sense - such as Build to Rent or Student Accommodation schemes, where the whole point is that the entire scheme is operated on a rental model.

Counsel's view is that NPPF 64 clearly relates only to the expectation that 10% of homes within major developments should be available for affordable home ownership. It does not relate to the general requirement for an Affordable Housing Contribution to be made. Therefore, the reasons for refusal from the affordable housing officer remain.

The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: A/51/18/PL

LOCATION: Pound Place
Roundstone Lane
Angmering
BN16 4AL

PROPOSAL: Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposed development is for the demolition of the dwelling Pound Place and the erection of a two storey, 64no.

bed (3,503sqm) residential care home (Class C2) which will provide 24 hour professional care and support for the elderly, associated car parking and landscaping. The amount of accommodation and height of the building has been reduced since the application was originally submitted. The number of units has dropped by 7 units from the 71 no. originally included as part of the application.

The building has a pitched roof with an eaves height of 5.3m and a ridge height of 9.4m. It is located to the rear of the site with 30 car parking spaces adjacent to Roundstone Lane and 2 disabled spaces further into the site. The footprint of the building is 47m long by 28m wide.

SITE AREA	0.753ha.
RESIDENTIAL DEVELOPMENT DENSITY	85 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A Tree Preservation Order has been issued covering the conifer trees to the boundaries of the application site.
BOUNDARY TREATMENT	Trees/ hedging and fencing to site boundaries.
SITE CHARACTERISTICS	Pound Place comprises a single residential property, two storeys in height (plus habitable accommodation within the roof) located within a large curtilage to the east of Roundstone Lane, Angmering. The property is set back from the highway by approximately 100m, with extensive mature trees and landscaping around the boundaries of the site.
CHARACTER OF LOCALITY	Pound Place is located to the east of Roundstone Lane and is part of a larger site for the area to provide 600 homes to the east of Angmering. The masterplan document was prepared and presented to Members of the Council in 2014, to demonstrate how sites to the east of Roundstone Lane could link together to provide 600 homes. Sites to the north and south of the site were granted permission with a number of the properties already completed and occupied. To the west of Pound Place there is the Bramley Green development which has a mix of two and two and a half storey properties fronting Roundstone Lane. To the east is the Angmering By Pass road and the South Downs National Park beyond.

RELEVANT SITE HISTORY

A/154/14/OUT	Outline Application for the erection of 18 No. dwellings	App Cond with S106 02-04-15
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One recent application has been approved for residential development on the site A/154/14/OUT - 18 dwellings. On the neighbouring sites which form the wider strategic allocation for 600+ units the following applications for residential use have been approved:

A/82/12 - Residential development comprising 138 no. dwellings - Land to east of Roundstone Lane.
A/167/14/PL - Erection of 46 residential dwellings - Land at Pound Nursery.
A/144/15/PL - 246 No. residential dwellings - Land at West End Nursery.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Support - as per the revised plans submitted. The development is considered a good use of the land in question with the building form appropriate to the environment which along with provision of employment is in accordance with the Angmering Neighbourhood Plan.

5 Objections raising the following:

- Concerned about the visual impact of this building within the surrounding neighbourhood. The development surrounding the site, Swanbourne Park, has flintwork incorporated into the houses so they are in keeping with the character of the village. This huge building would benefit from the use of some flintwork enhancing the walls. The building is out of character in terms of its appearance and size compared with existing buildings in the vicinity.
- Concern regarding loss of trees, a 6ft wooden fence would be a complete eyesore and would mean a loss of the existing view adversely affecting the residential amenity of neighbours. Suggest use of flint wall would enhance the aesthetic of the landscape.
- A 71 bed Care Home will increase the traffic along Roundstone Lane to an unacceptable level.
- Against the removal of perfectly healthy trees that surround Pound Place. The Leylandii provide essential screening both from Roundstone Lane. The trees are important because of their size and prominence. The trees also provide a habitat for birds and have the capacity to support a diminishing Bat population. Ecology reports that supported the development of Swanbourne Park, Pound Nursery and Manor Nursery indicated an abundance of birds and several species of Bats. These included twelve bird species of Conservation Concern under UK BAP (Bio-diversity Action Plan). Many of these will be nesting in the trees surrounding Pound Place and their habitat needs to be protected.
- Arboricultural report is inaccurate. The age of the trees is described as mature, rather than early mature, inferring that the trees were in their final third of life expectancy. This variety of trees has a general life expectancy of at least 50 - 60 years.
- Insufficient parking spaces on site.
- This care home will be illuminated throughout the hours of darkness affecting dark skies.

4 in support stating:

- Support the replacement of the trees between our property and the care home with a more manageable species.
- Support for removal of the through road.
- Conditions are required to ensure adequate noise attenuation and acceptable site operating hours during the construction period.
- The developer/owner were very proactive and have taken on board our comments with the development of the concept design for the site. Specifically relating to the screening of windows and replacement of trees.
- The nature of the care home will be benefit to local users (considering the lack of local care availability of this specific type).
- Will provide employment opportunities.
- The impact that the drainage design may have on the surrounding areas should be considered.
- The current plans show no external plant, exhaust terminals or flues. We would request that the planner considers WHO 1995 guidelines with respect to both daytime noise to all areas (50dB LAeq to

our garden) and night time noise should be below 45dB LAeq < 1m from the nearest building facade (which is a bedroom).

- Request that the external lighting design considers carefully light overspill into the surrounding properties.
- The property to the south is currently bounded by a fence, in places this is in a state of disrepair, we understand that this would be replaced.
- Given the proximity of the construction and demolition to a significant number of properties we would ask that the developer consider mitigation of damage to neighbouring properties, considerate working hours, dust mitigation, wheel washing, signage and route planning for contractors and location of site setup cabins and welfare away from properties.

1 No Objection

- Happy to see the trees at the end of my garden go.
- More in favour of a care home than housing.

COMMENTS ON REPRESENTATIONS RECEIVED:

The level of car parking is acceptable to County Highways. Drainage would be controlled by the imposition of conditions. Any removal of protected trees would be compensated for with replacement planting. All other issues raised addressed in Conclusions section of this report.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes
Arboriculturist
Environmental Health
Ecology Advisor
Planning and Housing Strategy
NHS Coastal West Sussex CCG

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer - No Objection.

The proposed site is screened extensively to all sides and of note are the TPO's which have been applied to protect much of this established tree cover. The indicative drawings indicate some landscape consideration, this would need to be detailed with consideration for creating outdoor open space for the users as well as the location of these proposals within an established garden setting. The need for the establishment of quality, safe and stimulating outdoor space to be provided should be key to the design and executed to a high standard.

Proposed planting would need to be sufficient in height with a mix of both tree and shrub species. A full landscape scheme should be submitted for approval, or conditioned as part of any approval. A comprehensive tree survey in accordance with BS5738 would need to be undertaken. Any considered tree removal from this site should be agreed with Arun's Tree Officer.

County Highways - No Objection.

The submitted road safety audit and road safety audit response do not raise any issues of major concern

which cannot be dealt with at the required detailed design stage. The care home is expected to have a broadly similar traffic impact to that of the housing development on the site which received planning consent in 2015. Conditions requested.

County Planning Officer - Contributions towards libraries and fire and rescue are requested

County Drainage Engineers - No Objection in principle.

Ecology Officer - No Objection.

- Following submission of Bat Emergence survey Report (March 2018), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

-To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop on site. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

- Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season.

- Enhancements should be conditioned.

Drainage Engineer - No Objection. Please apply standard conditions.

N.H.S. Clinical Commissioning Group (CCG)

The proposed development is an estimated population increase of 64 new residents with a consequential additional GP surgery area requirement of 7m² (up to 14). This equates to a direct cost of £64,318 for additional health infrastructure capacity arising from the development, which will have a population with a higher degree of health (and social care) requirements. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth. At this stage, the preferred option is to develop the Coppice surgery site, but the other option will incur a similar build cost.

Without associated infrastructure, the CCG would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary.

DEVELOPMENT PLAN POLICES

HDM2	H DM2 Independent living and care homes
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems
INFSP1	INF SP1 Infrastructure provision and implementation
ENVDM5	ENV DM5 Development and biodiversity

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

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 TM1 Local Highways

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

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 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.

The relevant policies of the Angmering Neighbourhood Plan have been taken into account in the determination of the 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 considered to conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

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 lies within the built up area boundary of the Local Plan where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

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." The site is not within the Built Up Area Boundary as defined in the Neighbourhood Plan, but it is within the more recently adopted and up to date Arun Local Plan.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that, in instances where there is a conflict between two elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Therefore, the built up area boundaries in the Local Plan are the determinant boundaries.

Arun Local Plan 2011-2031.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), H DM2 (Independent Living and Care Homes) and T SP1 (Transport and Development) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

Angmering Parish Neighbourhood Plan (ANP)

Policies HD4 (Materials), HD5 (Built Form), HD6 (Housing Layout and Design) and HD7 (Housing Density) seeks to ensure that development by way of materials used, appearance and design are appropriate to their location.

It is also material to this application that planning permission for residential development has been granted for residential use for 18 dwellings in addition to the retention of the existing dwelling (application ref A/154/14/OUT). The current proposal seeks to demolish the existing house and erect a 2.5 storey 64 bed care home. It is considered that the provision of residential development on the site is appropriate.

Policies HD8 (Parking for New Developments) and TM1 (Local Highways) aim to ensure that development provides the right amount of parking and maintains highway safety.

VISUAL AMENITY AND DESIGN

The site is bounded by new residential development to the north and south comprising 2 storey semi-detached and detached dwellings. Given the nature of both the visual context of the site and the form of the development, the mainly two-storey structure with an upper second floor contained within an attic

construction, similar to neighbouring buildings is acceptable in terms of height..

The design of residential development along Roundstone Lane is largely of two storey properties with an open and strong aspect clearly evident along the street frontage. The character of the area is therefore considered to be suburban in character typified by detached and semi-detached properties, some in spacious layouts, with a visual presence in the Roundstone Lane street scene. New trees and vegetation contribute to the character of the area.

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy DDM1 requires new developments to reflect or improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, layout and building materials. Policy DSP1 of the Local Plan requires proposals to make efficient use of land. These principles are replicated in the Angmering Neighbourhood Plan in policies HD5 - HD7. The NPPF also attaches great weight to the design of the built environment and states that local circumstances should be taken into account, to reflect the character, needs and opportunities of each area. Good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Para. 130 suggests permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Council sought additional advice in respect of the design of the proposal on the original scheme for 71 beds. This advised that the overall scale and massing of the building seemed excessive owing to the height and massing of the roof. The roof was artificially raised to allow a roof terrace or a lower flat element. The ridge line at between 11m and 12m high was more akin to a 3/3.5 floor building.

In the layout of the original scheme, the proposed building footprint represented approximately 20% of the site area. Access, circulation and parking made up a further 23% and structural landscaping 25%. Overall, this broadly left 30% of the site area for SUDS and communal open space. When considering the value of open space for the wellbeing of residents coupled with the overarching aspiration for a garden settlement/ landscape-led expansion area, 25% of the site area for leisure and recreation was limited. The amendments to the proposal have not adequately addressed these concerns and the scale and layout are still excessive and out of keeping.

The height of the building would now more closely reflect the adjacent residential dwelling height, and the appearance of the elevations in design detail terms is acceptable. The use of differing materials does assist in visually splitting the building into sections. However the bulk and extent of the building in terms of its length and width across the plot results in a bulky form of development which is uncharacteristic and does not relate to the domestic scale of the adjacent sites. Although the elevations of the building are staggered, the building still visually appears to extend across the plot width and over half of the depth of the site with a solid ridge line spine running along the depth without any visual break or separately defined roof pitches.

With regard to layout, residential development on the western side of Roundstone Lane consists of a mixture of front facing and flank facing development. A substantial set back to this development is proposed which does not reflect the nature of development on either side of Roundstone Lane. The retained and proposed vegetation on the western boundary will maintain and enhance the existing tree lined and vegetated nature of Roundstone Lane, but will not satisfactorily compensate for the poor and uncharacteristic layout of the proposal. Whilst the units are proposed to be set back within the site to reduce any perceived impact they sit at odds with the pattern of development and provide a hard site frontage dominated by car parking which does not make a positive contribution to the appearance of the

street scene.

The proposal also fails to integrate with the development to the north in that it significantly extends beyond the eastern limit of that residential development and provides a harsh 2 storey built form adjacent to an extensive area of open space. It would also result in a form of open space which would not connect adjoining sites together and it would present a harsh boundary that would extend into what should be open space with development facing eastwards to this open space. This part of the proposal contrasts starkly with the flat open area to the north. It would be better integrated within the area if the built form were limited in its eastern projection to reflect that to the north and more positively contribute to the feeling of space derived from the area.

The proposed built form also extends beyond the eastern limit of development to the south in Brougham Grove. As a result the development will mean that a valuable opportunity to provide a visual link of open space from north to south is lost. The shared benefit to be derived from the open space within the area generally is compromised by the layout and position of the proposed development. The extent of site coverage, the layout and bulk of the proposed development and its position on the plot are not considered to be in keeping with the area generally. They do not comply with the objectives of development plan policy and that of the NPPF.

The approved development at the former West End Nursery site (A/82/12/) has a density of approximately 25 dwellings per hectare (dph) with the approved density for planning permission A/167/14/PL being 29 dph and 25 dph for A/144/15. The development density proposed in this application is 85 dph and therefore not acceptable as in keeping with what has been approved elsewhere in the immediate locality. The proposal therefore does not accord with policy HD7 of the Angmering Neighbourhood Plan which requires development to be of a density appropriate for and in keeping with the setting of the immediate surrounding area. The site layout also displays the characteristics of overdevelopment in that it provides little by way of useable landscaping and fills most of the site with either built form footprint or car parking spaces. The development does make efficient use of land in accordance with policy DSP1, but does so at the unacceptable expense of the visual amenities and character of the area.

The approved outline application for 18 dwellings maintained the vehicular/pedestrian link between developments to the north and south. An indicative footpath through the site was indicated on the approved plan on the Roundstone Lane frontage as well as to the east of the site. This was consistent with the agreed design approach for development east of Roundstone Lane as enshrined in the 2014 Masterplan for the area.

To conclude on the visual amenity merits of the application, the proposal is shown to be a stand-alone development with no connection or links to the residential developments to the north and south or even the central greenspace/park that is hoped to run through development along the length of the east side of Roundstone Lane. The provision of open space as part of the development of this site has previously been requested. The closed site boundary would, as it does now, form a barrier between the different developments. The position of the building to the east of the site would not only form a physical barrier but a visual barrier, as the proposed layout extends the building into the landscaped park. It would appear as a bulky and dominant protruding structure in an otherwise open and landscaped area which contrasts starkly with the surrounding built form. The proposal does not therefore meet the requirements of policy HD6 of the Angmering Neighbourhood Plan or policies D DM1 and D SP1 of the Arun Local Plan.

The design and layout of the proposed development has been based upon a poor assessment of the constraints and opportunities that the site and its environment offer. They do not respect the location of the new development and open space either side and are not visually or physically integrated.

RESIDENTIAL AMENITY

The building is orientated to run down the length of the site, rather than across it, as is the case with the existing dwelling. There is therefore potential for overlooking to result to the adjacent new residential development to the north and south of the site. The proposed development has had to take into account the need to avoid the effect of actual and perceived overlooking on adjacent residential properties. This has been achieved by providing adequate separation of habitable rooms to elevations facing on to adjoining dwellings and by the careful positioning of windows and selection of window types. The distance between the proposed building and the nearest dwelling to the north is 17m and 18m to the boundary and to the south it is 19m to the dwellings and 13m to the boundary. The dwelling to the north most affected by the development is 2 Lambert Way and this has its front garden facing the application site where privacy would not be expected. The windows in the southern elevation of the development at first floor which are located closest to the southern boundary are indicated to be obscure glazed. In addition although much of the existing tree screening is being removed it is to be replaced and this screening would provide further privacy for both the neighbouring houses and residents in the care home.

The distances between the development and the site boundary are considered to be adequate to prevent any materially adverse overbearing effects to neighbouring properties.

The proposal is therefore deemed to accord with policy DDM1(3) in that it adequately addresses the impact to users and occupiers of nearby property.

AFFORDABLE HOUSING

In implementing its Affordable Housing Policy AH SP2 of the Arun Local Plan, the Council seeks 30% affordable housing on-site on residential developments of 11+ residential units.

The Affordable Housing Policy is to be applied in this instance as, whilst a nursing home, it provides residential accommodation. Policy AH SP2 states that 'All planning applications that include residential development, either in whole or in part, must include an Affordable Housing Statement'. C2 uses are seen to provide permanent and primary accommodation to residents. It is accepted that it may not be practical or viable to include on site affordable housing as part of this development but it would be a requirement to provide either commensurate off site affordable housing or a commuted sum as determined by the Council. The applicant submitted a viability appraisal with the application. The council is agreeable to the payment of a commuted sum in this instance, the sum to be paid, has yet to be identified by the Council's appointed Housing Viability consultant.

TRANSPORT

The Local Highways Authority (LHA) has assessed the Road Safety Audit and response submitted by the applicants and are satisfied that the development proposed does not raise any issues of major concern which cannot be dealt with at detailed design stage. A transport statement (TS) was sent in with the application. The statement reviews the highway and transport impacts of the proposed care home which is accessible by a variety of means of transport, including walking. The care home is expected to have a broadly similar traffic impact to that of the housing development on the site which received planning consent in 2015. Given the low number of trips, the highway authority has no issue with the potential traffic impact.

An improved road access is proposed and visibility splays appropriate to local traffic conditions are included. Within the site, adequate space is available for a large vehicle to turn. Adequate car parking is proposed at 32 spaces. The indicated proposed parking provision has been considered by the Local Highway Authority who have no objection to the level provided. Therefore, it has been satisfactorily demonstrated that adequate parking provision is achievable in accordance with policy TSP1 (d) and (e) of

the Arun District Local Plan and policy HD8 of the Angmering Neighbourhood Plan.

The Neighbourhood Plan includes policies TM1 - Local Highways and TM2 - Cycling, Walking & Equestrian where support will be given to proposals which increase or improve the network of cycle ways and footpaths and this is also referred to in policy TSP1 (a)(b) and (f) of Arun Local Plan. This supports the view that there must be linkages through the Pound Place site and the proposal is therefore considered contrary to these policy objectives.

DRAINAGE/FLOODING

The application site is situated within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. WSCC Flood Risk Management Team have identified the site as being at low risk from surface water flooding and at high risk of ground water flooding.

Arun District Council drainage engineers have also been consulted in relation to this application and have raised no objections with the imposition of suitably worded conditions suggested. These include the provision of Sustainable Urban Drainage Systems. It is noted that detailed investigations and design have been provided with this application following the requirements of groundwater monitoring and the hierarchy of preference for surface water drainage. This information will be fully reviewed at a later stage. The proposal would therefore comply with Policy WDM3 of the Local Plan.

ECOLOGY/BIODIVERSITY

An Extended Phase I Habitat Survey, Bat Building Assessment and Bat Emergence Survey accompanied the application.

The Phase I Habitat Survey identified no rare plants or habitats within the Site. The majority of the Site is poor semi-improved amenity grassland with scattered trees, surrounded by non-native hedgerow planting. No trees within the Site are considered to have potential to support bats and no further surveys of trees are recommended. The main house supports an infrequently used roost of common pipistrelle. As the main house supports a roost of low numbers of common bat species it is acknowledged that a Low Impact Bat Class Licence will be required from Natural England. Two cavity mounted bat boxes are proposed, one as compensation and one as an enhancement measure. These measures, and several others, are included within the Mitigation Strategy for bats which has been included in this report.

Habitat suitable for breeding bird has been identified within the Site, particularly the hedgerows and scattered trees, and precautions relating to removal of vegetation have been provided. As the main house was recorded to support one wren's nest, recommendations have been made for the provision of artificial nest boxes to compensate for this loss.

No evidence of other protected species was found during the surveys and the site is not considered to have potential to support protected species such as reptiles, dormice or amphibians, partly because of the isolation of this Site from other areas of suitable habitat; the Site is surrounded by roads or new housing developments on all sides.

The Council's Ecologist has requested that continued management of the site takes place to prevent a reptile habitat from developing on site. If this is not possible then a precautionary approach should be taken. A number of enhancements have been suggested including replacement of removed trees at a ratio of 2:1 and provision of a wildflower seed mix in any grassland areas.

The proposal does include removal of hedging but also provides for replacement and does seek to include provision of bat/bird boxes in accordance with policy ENV DM5 of Arun Local Plan which requires development to achieve a net gain in biodiversity and to protect existing habitats on site. However, development schemes are also expected to facilitate the emergence of new habitats through the creation

of links between habitat areas and open spaces. These provide a network of green spaces which serve to reconnect isolated sites and facilitate species movement. The proposed layout does not maximise the potential integration of the development with the open space provided to the east and north. The opportunity to fully integrate the development with its surroundings and improve species movement is minimal given that the rear section of the building is located within an area that would have more ecological benefit if provided as open space.

CONCLUSION

Whilst the proposal does not accord with all development plan policies, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, the principle of the proposals would accord with the development plan.

However, the proposed development is considered to result in unacceptable adverse impacts on the area by way of unsatisfactory layout, excessive footprint, site coverage and lack of satisfactory integration with adjacent sites. The proposal also lacks an Affordable Housing Agreement. The proposal is therefore in conflict with relevant development plan policies DSP1, DDM1, AH SP2 & TSP1 of the Arun Local Plan, policies HD5 (Built Form), HD7 (Housing Density), HD8 (Parking for New Development) and TM1 (Local Highways) of the Angmering Neighbourhood Plan and is 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.

SECTION 106 DETAILS

West Sussex County Council

Contributions are required so as to ensure any proposed development would be appropriately mitigated in terms of infrastructure provision or contributions. These services include libraries, waste and the fire

service and delivery solutions for these projects need to be agreed.

The requirements below are considered to be CIL compliant.

Infrastructure in the form of a s106 is likely to be required for libraries (£13,702) and fire and rescue services (£1,161). These figures would need to be incorporated in any Agreement. The contributions generated by this proposal shall be spent on a project to enhance library space with improved digital access at Angmering Library.

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Angmering.

NHS - £64,318 contribution for the additional health infrastructure capacity arising from the development, which will have a population with a higher degree of health (and social care) requirements. This contribution should be index-linked within the S106 agreement at a basis that meets house build cost growth. At this stage, the preferred option is to develop the Coppice surgery site, but the other option will incur a similar build cost.

Currently additional contributions towards this Surgery would meet pooling requirements, but this may alter in the near future if other applications in Angmering are approved subject to legal agreements with funding agreed towards The Angmering Coppice surgery (2 applications have already approved and there are other applications where contributions towards extensions to the surgery have been requested).

The contribution will be funding toward the infrastructure development of part of an extension to the Angmering site / re-development to cover for residents that require a specific on the day appointment for medical care.

Affordable Housing

The applicant submitted a viability appraisal with the application. The council is agreeable to the payment of a commuted sum in this instance, the sum to be paid, has yet to be identified by the Council's appointed Housing Viability consultants.

RECOMMENDATION

REFUSE

- 1 The layout, excessive scale, footprint and site coverage and consequent lack of open space result in an unacceptable overdevelopment of the site which is harmful to the visual amenities of the locality and detracts from the character of the area in conflict with policies D SP1 and D DM1 of the Arun Local Plan and policies HD5, HD6 and HD7 of the Angmering Neighbourhood Plan.
- 2 By virtue of its siting on the site with the significant set back from the Roundstone Lane frontage, excessive site coverage, unacceptable relationship with the adjoining open space and lack of linkages with development to the north and south of the site, the proposal is not in keeping with the character and appearance of the area. The proposals will significantly detract from the character of the area in conflict with policies D SP1, D DM1, T DM1, T SP1 and ENV DM5 of Arun Local Plan and TM1 of Angmering Neighbourhood Plan.
- 3 The proposed development fails to make an adequate contribution towards affordable housing provision, infrastructure and additional health care facilities and would therefore be contrary to policies AH SP2 and INF SP1 of the Arun Local Plan.

- 4 **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 reasons for the refusal, approval has not been possible.