

Recommendation Report for Planning Permission

REF NO: BR/80/17/PL

LOCATION: Land East of Pumping Station
High Croft Close
Bognor Regis

PROPOSAL: 1No. detached two bed bungalow. Resubmission of BR/163/16/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The bungalow would have an east/west orientation but with its actual front door facing north. There will be private gardens to the east and tandem parking for 2 cars on the west side. A small garden shed is proposed at the very eastern end of the site. Three small trees will be felled on the southern boundary. The bungalow will have a total height of 5.7m. Finished floor levels are to be higher than other properties in the street but only by around 0.2m. The dwelling will be only 5m from a nearby SW sewage pumping station.

SITE AREA

247 square metres (0.0247 hectares)

RESIDENTIAL DEVELOPMENT DENSITY (NET) 40.5 hectares.

TOPOGRAPHY

Predominantly flat but slightly higher than the level of the rest of the Close and also with a slight drop down to the level of the allotments.

TREES

Three small trees along the boundary with the allotments to the south.

BOUNDARY TREATMENT

1m post & rail fence with hedgerow to the allotments. Staggered height (max of 1.7m) brick wall to pumping station on the west side.

SITE CHARACTERISTICS

Mown grass verge alongside the road/pavement. Former highway land. Slightly overgrown to the boundary with the allotments to the south. The site borders on the western side with a single storey, flat roofed Southern Water sewage pumping station enclosed by a brick wall.

CHARACTER OF LOCALITY

Existing small cul-de-sac of 6 semi-detached bungalows all of which look onto the site. Allotment gardens to the south. Unrestricted roads but limited space for on-street parking.

RELEVANT SITE HISTORY

BR/163/16/PL	Detached 1 No. two bed bungalow	Withdrawn
		11-10-2016

Application BR/163/16/PL was withdrawn due to the need to consider consultation comments received during the application.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"STRONG OBJECTION on the grounds of overdevelopment of the site, which is a flood plain and the noise disturbance created by the pumping station which is immediately adjacent to the proposed property. Concern was expressed that the culvert would need to be infilled and Members strongly recommend that Southern Water object to the infill of the culvert. Also if there was ever a breach to the pumping station, all the sewage would spill over onto the property. Members feel that further consultation with Southern Water is necessary."

Seven letters of objection raising the following concerns:

- (1) Flood Risk due to Flood Zone 3 designation;
- (2) Only enough parking for 1 car therefore potential for on-street parking to the detriment of refuse access/resident movements;
- (3) Small garden area;
- (4) Low boundary wall will result in a loss of privacy from east facing lounge windows & use of the new garden - the boundary treatment should be much higher;
- (5) Dwelling at risk from noise, odour, vibration from the pumping station;
- (6) Work required to flatten the site;
- (7) Impact on wildlife on the site boundary/within the allotments;
- (8) The plot is far too small;
- (9) Do room sizes meet the standards?; and
- (10) Inadequacies with the submission - (a) no indication of levels, (b) no dimensions shown between the bungalow & the boundaries, (c) No section/vertical heights shown, (d) No scale bars, (e) Drawing 5070/2 shows a varied roof pitch of between 36 & 42.

One letter of support from the Bognor Allotment Holders Association who consider that the house will add security to an existing vulnerable boundary.

Comments on Representations received:

The Town Council comments are noted. The Environment Agency and Southern Water have been consulted. However, none of the consultees have made comments regarding a culvert.

In response to the letters of objection:

- (1) The Environment Agency have been consulted and their comments are summarised in the following section of this report. Flood Risk issues will be discussed in the reports conclusions;
- (2) West Sussex Highways have been consulted and their comments are summarised in the following section of this report. Parking issues will be discussed in the report's conclusions;
- (3) Noted. External space standards compliance will be discussed in the reports conclusions;
- (4) A planning condition could be imposed requiring details of boundary treatments in order to ensure that a higher boundary is implemented. This would then prevent any overlooking

between properties;

(5) Noted. Please refer to Southern Water's comments set out in the following section of this report;

(6) Noted. Levels information has now been provided. Furthermore, the proposed land raising will not have a material effect on the height of the site adjacent Highcroft Close only to increase it where it borders the allotments;

(7) A wildlife survey has been provided and the comments of the Councils Ecologist are set out in the following section of this report;

(8) Space standards compliance will be discussed in the reports conclusions;

(9) Internal space standards compliance will be discussed in the reports conclusions; and

(10) Not all of these are strictly required but levels information has now been provided. It does appear to be the case that there are inconsistencies with the roof pitches. This will be brought to the applicants attention.

The letter of support is noted and security issues are a valid material planning consideration.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environment Agency

Arboriculturist

Environmental Health

Southern Water Planning

Consultations responses received:

ENVIRONMENT AGENCY - No objection:

"The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure as detailed in the Flood Risk Assessment (August 2016) submitted with this application is implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (August 2016) and the following mitigation measure detailed within the FRA:

* Finished floor levels are set no lower than 2.65m above Ordnance Datum (AOD)

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority."

SOUTHERN WATER - Objection:

"Southern Water objects to the proposed development as due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of an existing pumping station site."

WSCC HIGHWAYS - No objection subject to conditions:

"This current proposal is a resubmission for a two bed detached bungalow with off-street parking in Highcroft Close, a 'D' classified low traffic no-through road with a 30mph speed limit in this location. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents within the immediate vicinity and there is no evidence to suggest that the local road network is operating unsafely, or that this proposal would exacerbate an existing safety concern.

The proposed site is located entirely within publicly maintained highway. The LHA would not have any highway safety concerns with this proposal, however, in order for the land to be incorporated into the site, the highway rights would need to be formally removed by way of a Stopping Up Order. This would be subject to a separate process administered by the Department for Transport's National Casework Team. The LHA along with other statutory undertakers and interested parties would be consultees in this process. There is also no guarantee that this process would be successful. The LHA is clear that any attempt to enclose the land without permission can be subject to enforcement action. The Local Area Engineer's views have been sought and I shall forward his comments onto the LPA (Local Planning Authority) as soon as they have been received.

The application form states that off-street parking for up to 2 vehicles will be provided. A study of the block plan demonstrates that there appears to be insufficient space on-site for two vehicles to park. Whilst this does not necessarily pose a highway safety concern, there could be an amenity issue that the LPA may wish to consider. The dropped crossing must be implemented under licence to a specification obtained from WSCC Highways.

The access is located adjacent to the pumping station boundary wall resulting in limited pedestrian visibility for a car exiting the back edge of the footway. However, Manual for Streets 2 (MfS2) para 10.6.1 states that "vehicle exits at the back edge of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously - similarly to how vehicles pull out when visibility along the carriageway is restricted".

The site is located in an urban area with a limited range of local retail and other amenities within walking distance. There are bus stops nearby providing links onto nearby towns and villages and Bognor Regis Train Station is approx. 1 mile away. It is acknowledged that cycle storage is to be provided as part of the proposal. This should be secure and covered and can be secured via condition.

In conclusion, the LHA does not wish to object to this proposal from a highway safety point of view. However, for the development to take place the stopping up order would need to be approved as part of the separate process described above."

CHICHESTER DC ECOLOGY - No objection subject to mitigation measures to be secured through conditions:

"The reptile survey has shown that there is a small population of reptiles onsite. Due to this mitigation has been proposed within Preliminary Ecological Appraisal Survey (May 2017) paragraph 5.4, and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile translocation has taken place.

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

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

If there are any deep pits or holes onsite during the works there should be a secured plank within them to allow a means of escape of any animals.

Enhancements

- Any trees removed should be replace at a ratio of 2:1
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite"

ARUN DC ARBORICULTURAL OFFICER - No objection to proposed removal of the three boundary trees.

ARUN DC ENVIRONMENTAL HEALTH - Originally requested an acoustic report. Following receipt of this, comment that:

"The acoustic report does not specifically assess noise from the pumping station, and therefore does not adequately assess the actual impact of noise from the pumping station on future residents. However this application is for a residential dwelling within 15m of a pumping station, and there is likely to be potential impact on amenity for future residents from both odour and noise. Therefore EH object to this application and would recommend refusal."

ARUN DC DRAINAGE ENGINEERS - No objection: "Infiltration to be investigated for surface water disposal. Please apply standard conditions ENGD2A".

Comments on Consultation responses:

WSCC Highways advise that there appears to be insufficient space on-site for two vehicles to park. However, the size of the driveway area on the western side of the dwelling is at least 10.5m deep by 6m wide. This is excess of the standard dimensions of two parking spaces (4.8m by 2.4m) and therefore, it is considered that two cars could park within the site in a tandem arrangement.

In response to the Southern Water objection, the applicants submitted a letter from Southern Water (dated 11/04/17) which they claim removes the objection. However, this letter was issued in response to a specific enquiry by the applicant regarding the stopping up of the highway land and Southern Water have not written to the Council to withdraw their objection on the siting of the dwelling within 15m of the pumping station. The Council did write to Southern Water (17/05/17) just to double check but no response has been received.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Flood Zone 3.

This site lies outside of the Pagham Harbour Mitigation area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN32	Noise Pollution
	GEN34	Air Pollution
Publication Version of the Local Plan (October 2014):		D SP1 Design
		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		ECC SP2 Energy and Climate Change Mitigation
		H DM1 Housing Mix
		SD SP2 Built-Up Area Boundary
		T SP1 Transport and Development
		W DM3 Sustainable Urban Drainage Systems
		QE DM1 Noise Pollution
		QE DM3 Air Pollution
		QE SP1 Quality of the Environment

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into

account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Bognor Regis Neighbourhood Plan has been part of the development plan for less than 2 years and the WMS is less than 2 years old;
- The Bognor Regis Neighbourhood Plan does allocate land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of

deliverable housing sites.

Therefore, the WMS does not apply.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are not considered to be any relevant policies in the Bognor Regis Neighbourhood Plan.

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 it although the dwelling would not have an adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties or on the established character of the surrounding area, its location within 5m of an existing pumping station would result in harm to the amenities of future occupiers. Furthermore, it would be necessary, in the interests of privacy, to erect a solid boundary fence of at least 1.8m around the site and this would then conflict with the open plan character of the local 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 is in an urban and predominantly residential area. It is defined as being part of the built up area boundary and is therefore acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

NPPF TEST OF SUSTAINABILITY

Paragraph 7 of the National Planning Policy Framework (NPPF) sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 14 of the NPPF states that the presumption in favour of sustainable development

requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development."

Environmental Role -

The site is in a sustainable urban location and is within walking distance of various local amenities including shops, schools and public houses. These walking routes also use adopted street pavements which are predominantly flat and have street lighting. It is therefore considered the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. This environmental factor weigh in the scheme's favour.

Economic Role -

It is considered the proposal will result in a localised economic benefits through the need to employ people to carry out the building works. The proposal also results in a minor increase in Council tax receipts, new homes bonus payments and other economic benefits from bringing new people into the area. These economic factors weigh in the scheme's favour.

Social Role -

It is considered that the proposal will have minor social benefits by providing a new small bungalow to meet local needs. This factor weighs in the scheme's favour.

Assessment -

It is considered the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

DESIGN AND CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect and enhance local distinctiveness.

Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local

surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The Town Council has suggested that the application represents an overdevelopment of the plot. Concerns have also been raised by local residents as to the small size of the development site.

The proposal concerns a modest detached bungalow which will be similar in appearance and size

to other bungalows within the cul-de-sac. The submitted plans demonstrate that the bungalow can be sited within the confines of the plot and, as per the analysis later in this report, there is sufficient internal space & parking provision. It is not therefore considered that the application represents an overdevelopment of the site.

In order to adequately protect the amenities of future occupiers and to protect the privacy of existing residents, it would be necessary to erect a solid boundary fence or wall of at least 1.8m along the edge of the site particularly to the eastern side of the plot. Otherwise, it would be possible for occupiers to look out towards existing windows and occupiers would also have no privacy within their garden. However, this would then be contrary to the open plan nature of the cul-de-sac and the wider estate. Boundary treatments are typically either dwarf walls, 1m high fences or hedges. The only nearby exception being the wall around the pumping station.

As it is considered that a higher boundary fence than as proposed would be required to protect privacy, consideration must then be given to the impact of such on the character of the streetscene and area. Although a natural hedged boundary would be acceptable, it is considered that this would take time to develop in order to be capable of fulfilling the purpose. In the meantime, a fence or wall would be necessary and this would be harmful to the open plan character of the local area.

RESIDENTIAL AMENITY:

Local Plan policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (para 17). Both the adopted Local Plan policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties. The Local Plan also contains policies designed to minimise the harm arising from noise & light pollution to local residents.

It should also be noted that paragraph 17 of the NPPF states that "... Planning should * always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"

Local residents are concerned that there will be overlooking between the new bungalow and existing dwellings and that the proposed 0.5m high boundary treatment will not be sufficient to prevent this.

The current proposal shows a 0.5m high wall around the plot. This would therefore afford no privacy to the proposed rear garden or to the east and north facing windows of the dwelling (which serve lounge/dining room, kitchen & a second bedroom). The future occupiers of the dwelling would therefore have limited privacy in their home and there would be pressure exerted on the Council in the future to allow a higher boundary.

The new bungalow would be at least 24-25m from the nearest existing dwellings. This is considered to be a more than acceptable interface distance. However, the fact remains that existing residents will have an uninterrupted view of the dwelling and likewise, the new residents will have views of the front windows in the existing dwellings.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The proposed dwelling is single storey, has 2 bedrooms and is considered to be suitable for occupation by up to 3 people. The required standard is therefore 61m². The proposed floor plans show floor space of 68.5m² and therefore, there is no conflict with the standards.

In respect of external standards, it is necessary to have regard to policy D DM3 of the emerging local plan which has been approved by the Council for development management purposes and subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden.

The proposed dwelling requires a garden of 10m depth and 85m² in area. However, the rear garden as shown has a depth which varies between 4.5m and 12.5m and an area of only approximately 65m². The garden therefore falls around 20m² short of the Councils standards.

NOISE POLLUTION:

Local Plan policy GEN32 Noise Pollution states that: "Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses."

Policy GEN34 states that: "Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk."

The site lies adjacent to an existing Southern Water Pumping Station and the proposed dwelling will be only 5m from the actual pumping station building. Both the Town Council and local residents have raised concerns over noise & odour pollution from this pumping station. In addition, the Council has received objections from both Southern Water and from its own Environmental Health Officers. In the presence of these strong objections and the absence of any acceptable mitigation measures or justification acceptable to the relevant organisations, it is considered that the future occupiers of the dwelling would be adversely affected by noise & odour pollution and that if the dwelling were permitted, there would be future pressure exerted on Southern Water to mitigate the impacts or remove the station.

HIGHWAYS & PARKING:

Local residents do not consider that there is sufficient parking and that this will spill onto the road to the detriment of their own access and that of refuse/emergency vehicles.

It is noted that WSCC Highways also consider that there is only enough space on the site for the

parking of a single car. However, the dimensions of the driveway exceed that of two standard parking spaces laid end to end. Therefore, it is considered that two cars could be parked off the road in a tandem arrangement. Although such an arrangement is not ideal, with both cars in the control of the same dwelling, the arrangement would work. The West Sussex Parking Demand Calculator suggests that the proposal would result in a demand of 2 spaces. Therefore, it is considered that the proposed parking provision is acceptable.

WSCC Highways have no other objections to the proposal but do require that the applicants apply to stop up the existing highway land.

FLOOD RISK:

The site lies within Flood Zone 3 which is a high risk zone. However, the Environment Agency have not raised any objection to the proposal and it is therefore considered that subject to the finished ground floor level being set at 2.65m (which could be secured by condition), the development would be acceptable in this location. The proposed floor level is only marginally higher than those of other bungalows on High Croft Close and therefore would not result in a bungalow significantly higher than other existing dwellings.

SUMMARY:

The principle of a new dwelling on this former highway land site is not in dispute. However, it is not considered that the site itself is conducive to a residential redevelopment in that it is (a) sited adjacent to an existing source of potential noise & odour pollution (the pumping station), (b) there is insufficient space to accommodate sufficient private garden and (c) it is not possible to ensure the privacy of the garden or the dwelling without erecting a boundary fence or wall which would be out of character with this open plan estate.

It is therefore considered that permission should be refused for the following 3 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 proposed dwelling will be within 15m of an existing Southern Water sewage pumping station and will therefore be subject to vibration, noise and odour to the detriment of the amenity of future residential occupiers in conflict with policies GEN7, GEN32, GEN34 of the Arun District Local Plan (2003); policies QE SP1, QE DM1, QE DM3 of the Arun Local Plan 2011-2031 (Publication Version showing Modifications) and paragraph 17 of the National Planning Policy Framework.
- 2 The proposed external rear garden is, with only the proposed 0.5m high boundary wall, not considered to be a private space and is also unsatisfactory in terms of size (area) and would therefore give rise to an unsatisfactory living environment and unacceptably small habitable private amenity space for future occupiers in conflict with the good design principles in the National Planning Policy Framework, Policy GEN7 of the Arun District Local Plan and the external space standards set out in Policy D DM3 of the Arun Local Plan 2011-2031 (Publication Version showing Modifications).
- 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 for the refusal, approval has not been possible.
- 4 **INFORMATIVE:** The applicants attention is drawn to the comments of a local architect (received 12/04/17) who believes that the angles of the roof pitches shown on Drawing 5070/2 are not consistent.
- 5 **INFORMATIVE:**Notwithstanding refusal reason 2, if a solid boundary fence or wall along the site boundary, as necessary to protect privacy, would be excessively prominent within the local streetscene and be out of character with the local area which features only hedges or low walls, and any amended proposal with this feature would therefore be contrary to policy GEN7 of the Arun District Local Plan 2003 and policies D DM1 and D SP1 of the Arun Local Plan 2011-2031 (Publication Version).