Recommendation Report for Planning Permission

REF NO: CM/10/23/PL

LOCATION: Bramleys
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: **Removal of caravan site and 4 No. static holiday homes and erection of 2No. new detached dwellings with garages along with car parking and use of existing access. This application is in CIL Zone 3, is CIL Liable as new dwellings and is a Departure from the Development Plan.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to erect two dwellings on the site further to the removal of 4 static holiday homes from the site. The proposal includes a one 3-bedroom chalet style dwelling and a 4-bedroom dwelling, with detached single garages. Access for both dwellings is to emanate from the existing site access point from Horsemere Green Lane, in the north-eastern corner of the site. Plot 1 (the 4-bedroom dwelling) will front Horsemere Green Lane and is considered, in accordance with the Arun Design Guide description a 'gap-site development' whilst Plot 2 (3-bedroom dwelling) will be positioned at right-angles to the Lane, fronting the rear elevation of 'Pippins'. Both dwellings will be traditionally styled and include brick with tile-hanging to elevations.
SITE AREA	0.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	20 dph.
TOPOGRAPHY	Predominantly flat.
TREES	No protected trees in site. Mature trees to site boundary.
BOUNDARY TREATMENT	Fence with hedging in parts.
SITE CHARACTERISTICS	Static caravan park - holiday use.
CHARACTER OF LOCALITY	Residential and caravan parks to the south of Horsemere Green Lane. Agricultural to the north.

REPRESENTATIONS

Parish Council - objection.
- Overdevelopment of infill site.

- Inappropriate development due to proximity of neighbouring dwellings.
- Loss of green space.
- Sewage drainage and surface water are not sufficiently addressed within the application. The drainage ditch across the frontage of the plot is a critical part of the Horsemere Green Lane drainage system.
- Increased traffic negative impact on Horsemere Green Lane.
- Lack of visitor parking, forces parking on street.

1 Letter of objection.
- Excessive development has already occurred in area, impacting lacking infrastructure.
- Increased traffic.
- Lack of local facilities, road crossings etc.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Material planning issues are raised in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - Advice.
- The existing access appears of insufficient width to allow 2 vehicles to pass one another (min 4.1m). The access will be serving 2 dwellings in total, therefore the impact of vehicles conflicting at the site entrance would not be considered detrimental.
- Visibility splays have not been demonstrated for the proposed access. However, it is appreciated that the access is existing and has been serving the existing static caravans for some time without any evidence of highways safety issue.
- The proposed car parking accords with the Arun Car Parking guidance for Zone 1 (Climping). The proposed garages meet the minimum requirements of 3x6m as outlined in WSCC Car Parking Guidance.
- The plans indicate that a cycle store adjacent to each garage. The LHA is satisfied with this arrangement.
- The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework.

ADC Engineers - Objection.
- Drainage Strategy does not meet requirements.
- Boundary watercourse in need of maintenance and remedial works, not built form should be within 3m of top of bank.
- Agreement needed from landowner for removal of trees within watercourse easement.

Ecology - Objection.
- Insufficient information provided on European Protected Species (greater Crested Newts, Otter and Water Vole).
- No biodiversity enhancement measures are identified.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built-up Area Boundary.
Special control of adverts.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitagation
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
ENVDM4	ENV DM4 Protection of trees
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD3	Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 conflicts with relevant Development Plan policies as a result of increased flooding in the area and significant harm to protected species and habitats.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE
The development plan in the determination of this application is the Arun Local Plan (ALP) and Climping Neighbourhood Plan (CNP). In the Climping Neighbourhood Plan, the village of Climping does not have a built-up area boundary but the site is adjoined by residential development on all sides and is in residential use.

Arun Local Plan key policy considerations in the determination of this application are SD SP2 and C SP1. Policy C SP1 states that Outside the Built-Up Area land will be defined as countryside and will be recognised for its intrinsic character and beauty.

Policy SD SP2 of the ALP defines the Built-up Area Boundaries (BUAB) for Parishes, stating that development should be focused within these areas. The site is outside of the BUAB. Due to the location outside of the BUAB development in this location would conflict with locational requirements of policy C SP1, however, there are criteria set which allows for development within a countryside location. This application for new dwellings does not meet any of the criteria thus it does not accord with Policy C SP1 of the ALP.

The NPPF directs Authorities to have a presumption in favour of sustainable development when determining applications. For decisions this means approving an application where it accords with an up-to-date Development Plan (paragraph 11(c)), or, where policies of most relevance are considered out of date where Council's have less than 5 years of housing supply, approving applications unless the level of harm significantly and demonstrably outweighs their benefits. The Council cannot demonstrate a 5-year supply of deliverable housing sites, and policy SD SP2 of the ALP is, therefore, out of date triggering the NPPF 'tilted' balance.

Matters relating to Design and Character, Amenity, Quality of Accommodation, Access and Parking, Biodiversity, Flooding will be discussed below to allow a determination as per the tilted balance.

DESIGN AND CHARACTER
Policy D DM1 of the ALP requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and appearance. As a gap development the ADG Part P requires that building lines and spacing, height, scale and massing, materials and boundary

treatments are all commensurate with its location.

Policy CPN11 of the Clymping Neighbourhood Plan seeks to ensure that development is in keeping with its location so as to protect and enhance the character of the locality. Good design is considered to mean 'responding to and integrating with the local built environment and landscape context as described in the Clymping Character Assessment'.

The site, positioned on the south side of Horsemere Green Lane, is surrounded on three sides by residential accommodation and long-term holiday letting accommodation. Existing properties fronting the lane vary in character, to the east is a pair of low-pitched roof bungalows, open fronted with built form situated adjacent to the highways edge. To the west is a single two-storey (with dropped eaves) dwelling, set back from the road frontage (Kimberley).
Plot 1 is designed to mimic Kimberley in all design details including an equal ridge and eaves height, 3 front dormers and central porch covered by a catslide roof. This will create a balanced appearance to the street scene, with the two existing bungalows creating a pair and Kimberley and Plot 1 creating a second pair of matching properties to this immediate location. In terms of character Plot 1 is well integrated into the street scene as a result of an appropriate design, scale and space about the building.

Proposed Plot 2 would be set behind Plot 1 and a bungalow situated in Woodbridge Walk, as such it would not be readily visible from either highway. Plot 2 will not influence the character of the area to the same extent as Plot 1. As back land development the ADG requires it to be a subservient form of development to its neighbours whilst retaining an appropriate level of amenity space. Plot 2 is positioned between the two-storey Plot 1, to the west of a bungalow (Pippins) and to the north of another bungalow (No.26 Woodbridge Walk). It is a significantly smaller structure than Plot 1, with an overall ridge height approx.1.2m lower, however its ridge is approx. 600mm higher than either of the bungalows. Despite this, no significant harm to the character of the area will arise given it is only a minimal difference and the good space about the proposed building.

In terms of appearance, Plot 2 differs to those surrounding it as a chalet bungalow with two bedrooms in the roof space. Given Plot 2 does not have a street presence no harm will arise from this. In terms of materials the property will be constructed of brick elevations and a tiled roof (as is Plot 1), materials common to the area.

Boundary treatments which are noted as being existing and retained. As 1.8m fence/wall are a feature of the area, proposed rear and side boundaries which are of similar appearance and scale will not be incongruent. The front boundary is shown as a 1.2m post and rail fence, this is complementary to the semi-rural local and is a feature found to the frontage of Kimberley.

In terms of design and character, the proposed development causes no significant harm and accords with Polices D DM1 D DS1 of the ALP, Policy 11 of the CNP and Part P of the ADG.

RESIDENTIAL AMENITY
ALP Policies D DM1(3) and QE SP1 indicate that development will be permitted if it does not result in impacts on adjoining occupiers, land, use or property, and requires development to contribute positively to its environment.

The ADG includes a section on back land development (Part P) which states 'back land developments should demonstrate an understanding of any potential effects on the character and amenities of the neighbouring urban area. Generally, back land developments should be subservient to existing properties, and their layout should seek to maximise the outlook of neighbours.'

Part H of the ADG states that amenity spaces should be of an appropriate size with rear garden depths

of 10.5m but smaller gardens with adequate daylight and privacy may also be acceptable in certain circumstances, when justified.

In this instance rear garden depths are 11.5m. The size is above recommended levels and comparable to other gardens in the area.

In terms of protecting privacy and reducing overshadowing the ADG sets out recommended separation gaps. There is a front to rear relationship between Plot 2 and Pippins of 15.7m and a side to rear relationship between Plot 2 and Nos 25 and 26 Woodbridge Walk of approx. 12. The ADG does not set out front to rear separation gaps, however in rear to rear relationships 21m is required as a minimum to protect the privacy of both properties. The 15m is considered insufficient in this instance, as there are rooflights serving habitable rooms which would face directly into the rear rooms of Pippins, however it is acknowledged that the rooflights could be made to be fixed shut and obscure glazed by condition. The side to rear relationship is slightly lower than the distance of 14m stipulated within the ADG, however, there are no first-floor side facing windows to Plot 2, so the privacy of Nos. 25 and 26 will not be compromised.

To the west the dormer windows of Plot 2 face towards an existing holiday mobile home park, with one mobile home within 12.9m. After a site inspection it was found that the mobile home did have a section facing the application site which could be compromised by the proposed first floor windows. As the caravan park is for seasonal use only, despite ADG separation guidelines being breached the impact will not be regular and uninterrupted due to the temporary use of the mobile homes.

The proposed buildings are orientated at right angles to each other so as not to compromise the privacy of either, the rear to side relationship between Plot 1 and 2 is approx. 16m. Views into Plot 2's garden will be sheltered by their garage, which is located to the southern boundary of Plot 1.

Due to the reduced ridge height and northerly orientation, Plot 2 will not be overbearing on Nos. 25 and 26 Woodbridge Walk as per the effects of the proposal on Nos. 27 and 28 from Pippins.

The proposed dwellings will therefore not significantly and negatively impact adjoining neighbours. The proposal accords with policies D DM1 and QE SP1 of the ALP and Part P and H of the ADG.

QUALITY OF ACCOMODATION

Policy D DM2 requires new dwellings to accord with the Nationally Described Space Standards. For a 4-bedroom, 7 person dwelling over two floors it requires there to be 115sqm, Plot 1 is 145sqm approx. For a 3-bedroom, 5 person dwelling over two floors it requires 93sqm, Plot 2 is approx. 114sqm.

Both dwellings exceed the standards and as such the proposal accords with Policy D DM2 of the ALP.

HIGHWAY SAFETY & PARKING

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access. Policy CPN14 of the Climping Neighbourhood Plan seeks to reduce traffic impact from development on the local community and its environment and improve accessibility and safety for travel around the parish for drivers, pedestrians and cyclists.

Regard should also be had to paragraph 111 of the NPPF which states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The proposals would utilise an existing access onto Horsemere Green Lane measuring 3.2m wide. WSCC Highways have noted that this measurement is lower than the required distance of 4.1m to allow

two vehicles to pass one another. Given the access point will serve only two dwellings this will not result in unacceptable conflict. No visibility splays have been provided however, it is noted that the access has served 4 caravans without incident for many years and is therefore acceptable.

The scheme provides adequate turning and parking provision for each house. Plot 1 has a garage with 2 parking spaces and Plot 2 a garage and 1 parking space. The garages have an internal floor area of 6m by 3m which accords with Part I of the ADG.

Electric vehicle charging points are required and secured by condition. Cycle space for a minimum of 1 cycle per unit can be accommodated for within the proposed garages.

The proposal accords with Policy T SP1, The Arun Parking Standards and with the NPPF.

FLOODING
Policies W SP1 and W DM2 of Arun Local Plan and CPN12 of CNP require inclusion of appropriate sustainable drainage systems in developments to prevent flooding. Policy W DM3 of the ALP requires developments to incorporate a range of SUDs at an early stage of the design process.

Para. 167 of the NPPF requires proposals not to increase flooding elsewhere.

The Council Engineers have objected to the proposal, stating that insufficient information has been provided to determine if the proposal is deliverable without prejudicing surface water drainage on site. The main concern is the existing water course to the north of site, where remedial works would be required to adequately drain the development and others in the area. Proposed development encroaches on the required 3m easement of the watercourse, this needs to be rectified. Furthermore, trees outside of the Applicants ownership, which currently restrict the flow rates, would be required to be removed.

As the proposal has the potential to increase the risk of flooding to other properties in the area it does not accord with Policy W SP1 of the ALP and Policy CPN12 of the CNP and the NPPF.

TREES
Policy ENV DM4 of Arun Local Plan states where there are existing trees on or adjacent to a development site developers will be required to provide (d) tree surveys, (e) a tree constraints plan and (f) an Arboricultural Impact Assessment inclusive of a tree protection plan and arboricultural method plan. Policy CPN 8 of CNP refers to protection of trees and hedgerows and states that development proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

An Arboricultural Implication Assessment and Method Statement has been provided. There are no protected trees on site, there are various trees off-site that have been considered in the design proposal. It shows that 3 category C trees, from the centre of site will be removed. Trees to be retained have been considered and it is proposed to install a 'low invasive' surface to the existing site access where it passes through Root Protection Areas of existing off-site trees. New native hedging is proposed to boundaries.

Policy ENV DM4 requires applicants to take a comprehensive view of existing trees at an early stage of the process, supported by the appropriate surveys. The proposal accords with Policy ENV DM4 of the ALP and CPN8 of the CPN.

ECOLOGY
Policy ENV DM5 of the Arun Local Plan relates to development and biodiversity. It states that development should seek to achieve a net gain in biodiversity and protect the existing habitats on site. Development should also seek to facilitate the emergence of new habitats. This can be done by a variety

of different measures. Where there is evidence of an existing species on site, surveys should be undertaken, detailing the measures that will be incorporated in order to protect said species.

Para. 182 of the NPPF states that the presumption in favour of sustainable development does not apply when a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

An Ecological Assessment report has been submitted. The Council's Ecologist however have objected to the proposal. They have stated that they are not satisfied that sufficient information has been provided to determine the harm arising from the application. The report has indicated that further survey data is required in relation to Greater Crested Newts, Water Voles and Otters.

As it cannot be satisfactorily determined that no significant harm will arise to protected species on the site, the proposal conflicts with Policy ENV DM5 of the ALP and paragraph 182 of the NPPF.

SUMMARY
In accordance with the NPPF paragraph 11(d)(ii) the adverse impacts of approving the development, would significantly and demonstrably outweigh the benefits. In this instance the conflict with policies W SP1, W DM2 and ENV DM1 of ALP and CPN12 of CNP weigh significantly against the proposal.

Therefore, this application is recommended for refusal on the following grounds.

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 Insufficient information has been submitted in support of this application in relation to

protected species and habitats found on or near site, in order to satisfactorily determine the potential impacts and mitigation measures required to ensure no significant harm arises from the proposed development. This is contrary to Policy ENV DM5 of the Arun Local Plan and the NPPF.

2 Development has been proposed within a 3m easement of an existing watercourse on the northern boundary of site. Insufficient information has been provided to demonstrate that the proposed dwellings can be delivered without prejudicing surface water drainage on the site and its surroundings. The proposal therefore fails to accord with policies W SP1, W DM2 and W DM3 of Arun Local Plan and CPN12 of Climping Neighbourhood Plan and the NPPF.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.