

REPORT UPDATE

Application No: CM/16/20/PL

Reason for the Update / Changes

Reason for Update/Changes:

Comparative Plans submitted to aid identification of the differences between the approved scheme and that now proposed.

12 additional objections (7 from the same author) and including 1 from the Ward Cllr received stating.

- The roof appears higher and longer. Either the original plans have been altered or the architect has made a mistake drawing in the red dotted outline on the new plans.
- Lack of key measurements such as not stating the pitch and height of the roof or the distance to the boundary.
- Traffic measures ignored with 7 entrances on to HGL in 100 yards.
- This is a travesty for planning, or lack of planning.
- At no time has Applicant notified neighbours.
- There is an intention to circumvent compliance.
- If the applicant were to reduce the roof height to single storey, ie, that of a bungalow, as proposed, and lower the ground level, this would fall in line with their proposal.
- There are unreasonable obstacles to objection, and unreasonable obstacles to information which will dramatically and materially adversely affect people's lives.
- The criteria are far too narrow, confusing, time consuming and is therefore obstructive and discriminatory and denies legal rights.
- Obvious and real security risk for the existing residents at numbers 44, 45 and 46 Appletree Walk.
- There are a number of protected species on this site and birds which are on the RSPB red list such as great spotted and green woodpeckers. This has been virtually undisturbed for centuries and was left to natural woodland with a thriving ecosystem.
- Developers are obliged to conduct wildlife surveys. At no point has this ever been done. The site was cleared of all trees and vegetation during the week of 4th November 2019. This was been reported to the Council at the time and works were allowed to continue in breach of clearly laid out legislation.
- The proposal for a two storey house on this house was resisted and recommended to be made into a bungalow.

Officers Comment:

Clarification was sought from agent to clearly identify dimensions of distances to boundaries and height of proposal on plan and to ensure the super imposed comparative plans accurately reflected the differences between the approved and proposed scheme.

The length of the house is as shown, however the positioning of the plot is relative to the parking bay in front, consequently it is as far north as possible to limit the impact at the rear. To locate the plots, the corner of the window bay is the same in both versions but the posts and overhangs differ in both schemes resulting in the slight difference in appearance/length.

In respect of the dotted roof/ridge lines it appears the representation shows a much lower roof line which is in fact the rear of the previous scheme, whereas the agent has shown the front of the outline of the previous scheme. For clarity, images showing both the front roof and the rear roof superimposed over

the rear elevation have been provided by the agent. The latest drawings are based on a construction/technical drawing to ensure the actual internal dimensions/clearances required are being achieved.

The proposal does not include any amendment to the access which has already been approved. There is no requirement for Developers to contact neighbouring residents.

Any site clearance undertaken prior to the previous planning application submission was not in breach of condition. An 'Ecological Impact Assessment' was conducted on behalf of MJH Homes dated 3rd December 2019. The ecological impact of the development has already been accepted and there is no change of this impact as a result of the changes proposed in this application.

In assessing the merits of a planning application only material planning considerations can be taken into account. Legal rights are covered by other legislation and are not planning considerations.

The application has been advertised in accordance with adopted procedure and representations have been accepted and considered as part of the decision taking process.

The plans condition (2) includes reference to the comparison plan drawing numbers.

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: CM/16/20/PL

LOCATION: Langford
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Variation of condition 2 imposed under CM/64/19/PL to substitute House Type F floor plans & House Type F elevations.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application relates to the changes to the plans condition (2) to include a change to floor and elevation plans of house type F (Plot 8) located to the rear of the site.

The roof in the approved application had technical and future maintenance issues. The application proposes a revised design incorporating a more traditional approach.

The first floor now proposes to accommodate 3 bedrooms, not 2, and the ground floor has lost a bedroom, but has a study. Previously there were 3 habitable rooms at ground floor (living, kitchen/dining/ bed) and 2 beds at first floor, now there are 3 habitable rooms at ground floor (living, dining/kitchen

and study) and 3 beds at first floor.

The previous permission related to the provision of 9 dwellings. The site is the same as approved and the design, layout and position of other houses is unaltered.

BOUNDARY TREATMENT

The site is well screened to its northern boundary by vegetation/tree planting. The site is set back by a grass verge along the north boundary of Horsemere Lane. Boundary treatments to the east of the site comprise a mix of close timber boarded fencing and vegetation. Following the preparatory removal of unprotected trees, the west boundary comprises a mix of timber fence and hedgerow. This is comparable to the southern aspect of the site.

SITE CHARACTERISTICS

Single storey dwelling. The dwelling sits close to the east boundary and abuts Haven to the east. The site is long, deep and linear in nature. The built development is situated forward on the site, with a substantial set back from the road. Whilst this layout is characteristic of nearby plots, these plots are undergoing substantial change due to planning consents.

CHARACTER OF LOCALITY

Rudford Industrial Estate and Ford Aerodrome Strategic Development Site (SD8) to the north. To the south are some dwellings off Appletree Way. The wider southern locality is characterised by Strategic Development Site SD10.

RELEVANT SITE HISTORY

CM/64/19/PL	Residential development comprising 2x3-bedroom bungalow, 2x3-bedroom houses, 2x2-bedroom houses 3x4-bedroom houses along with access and parking following demolition of existing dwelling - Departure from the Development Plan.	App Cond with S106 05-03-20
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REPRESENTATIONS

Climping Parish Council- Objection:

- Loss of Privacy.
- Unacceptable retrograde step.

5 Objections

- Fence has been damaged.
- Devaluation of property.
- Length of the proposed house runs the whole length of adjacent boundary, within feet of boundary fence. This is very intrusive, and will obliterate light.
- Object to trees being planted in proximity to boundary. These will be a nuisance.
- House appears to be 1m from the boundary wall.
- To avoid the technical/maintenance issues with a flat roof a pitched roof bungalow could have been considered.

- Proposal is now for a larger house.
- Outlook adversely affected.
- Dwelling will create additional noise.
- First floor windows face directly onto adjoining garden.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The footprint of the proposed dwelling has not increased.
- The amended dwelling form will not result in a material increase in noise generated adjacent to neighbouring dwellings.
- The proposal does not add any additional first floor windows in the south or east elevation other than roof lights.
- The indicative proposed boundary screening has previously been approved and is controlled by a landscaping condition.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

- Outside Built up Area Boundary
- Area of Special Advertisement Control
- WSCC Mineral Consultation Areas

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM1	WM DM1 Waste Management

[Clymping Neighbourhood Plan 2015 Policy CPN11](#) Quality of Design

Clymping Neighbourhood Plan 2015 Policy CPN14 Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The relevant policies of Clymping Neighbourhood Plan have been considered.

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 comply with relevant Development Plan policies in that it would have no adverse effect either visual or residential amenity.

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**

In this case the principle of development has been approved under CM/64/19/PL. The application relates to alterations listed in the description. All other matters relating remain unaltered.

The key policy consideration in the determination of this application are D SP1 (Design), D DM1 (Aspects of Form and Design Quality) and QE SP1 (Quality of the Environment) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Minimises the impact on neighbouring land/residents.
- The design is adaptable and appropriate in design and scale.

Clymping Parish Neighbourhood Plan (CMNP)

Policy CPN 11 of the Clymping Neighbourhood Plan states development must be of a high quality design and protect and enhance local character as assessed by the Clymping Character Assessment. Policy CPN 11 sets out an 8 point criteria against which development should be assessed and reiterates the

contents of the NPPF in that development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted and seek to ensure that development by way of appearance and design are appropriate to their location.

DESIGN AND VISUAL AMENITY

Policies D SP1 and D DM1 of the Arun Local Plan require development proposals to make efficient use of land but reflect the characteristics of the site and local area in their layout, mix, scale, massing, character, materials, finish and architectural details. Policy D SP1 requires development proposals to have derived from a thorough site analysis and context appraisal. Policy D DM1 of the Arun Local Plan requires development proposals to have regard to character, appearance/attractiveness, density and scale.

Paragraph 127 of the NPPF requires decisions to ensure developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 130 of the NPPF makes clear that 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 layout of the site and density is unaltered by this proposal and has been approved.

The dwellings feature a mixture of bungalows and two storey dwellings. This mix is consistent with the Arun Local Plan requirement to provide a mix of housing across new residential development sites. The development provides 2b 4p dwellings at the lower end, up to 4b 8p dwellings at the upper end. The provision of an additional bedroom on this plot does not alter significantly alter the approved housing mix.

The design of the dwellings feature dual pitched roofs with a number of hips. The effect of these design features is that the roof pitches and features allow for sunlight to serve the development; without the built form dominating the skyline. This is consistent with the nearby developments found in the locality and reiterates the wider character of the area. The design alterations to this plot do not adversely impact on the design of the development as a whole.

The development makes efficient use of land and reflects characteristics of the site and local area, in accordance with paragraphs 127 and 130 of the NPPF and Policies D SP1 and D DM1 of the Arun Local Plan and Policy CPN 11 of the Climping Neighbourhood Development Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan requires internal space standards to be an appropriate size to meet the requirements of all occupants and their changing needs.

Internal spaces of the dwelling has been assessed against the Nationally Described Space Standards which are used to assess acceptable spaces under Policy D DM2. The internal space of 131sqm exceeds the minimum threshold for a 2 storey 3b 6 person dwelling of 102sq m. The development accords with Policy D DM2 of the Arun Local Plan.

NEIGHBOURING AMENITY

Policy QE SP1 of the Arun Local Plan requires development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity.

Paragraph 127(f) of the NPPF requires planning decisions to create places with a high standard of

amenity for existing and future users.

Prior to approval of CM/64/19/PL following discussions with the applicant over concerns regarding overmassing and privacy, Plot 8 was revised to comprise a chalet bungalow form; omitting the first floor south facing windows which were considered harmful. The height was reduced and a flat roof section introduced. The two storey mass was clustered to its northern elevation. The setting forward of the 2 storey mass provided greater separation to the dwelling to the SE and the pitch of the rear element ensured access to light would not be infringed. The changes proposed shift the dwelling away from the side boundary slightly providing a 2m gap to the boundary and have reduced the length of the dwelling in relation to the boundary. It has a length of 11m and an eaves height of 3.6m with a ridge height of 7.1m. These dimensions are sufficient to ensure no materially adverse over bearing impacts result to neighbouring dwellings. There are no first floor windows in the rear (south) or side (east) elevation of the dwelling. The rooms are served by rooflights in this part of the roof and these have cill heights above 1.7m. No material loss of privacy would therefore result to adjoining properties.

Whilst it is acknowledged that the outlook of nearby adjacent residential properties would change, such a change would not be demonstrably harmful for the purposes of residential amenity.

On the basis of the above assessment, the development would accord with paragraph 127 of the NPPF and Policies QE SP1 and D DM1 of the Arun Local Plan. Permitted development rights for extensions and alterations were removed by condition as part of the earlier approval.

HIGHWAYS, TRANSPORT AND PARKING

Arun District Council Parking Standards the development requires 22 spaces and 9 cycle spaces. The applicant's cycle parking and car parking met the standard and were considered acceptable.

Layout and parking are not altered by this proposal. The applicant has previously demonstrated sufficient splays can be achieved.

TREES

The impact on trees is not altered by this proposal and the development would still accord with Policy ENV DM4 of the Arun Local Plan.

LANDSCAPING/BIODIVERSITY

The applicant previously provided a full landscaping scheme which has been assessed by the Council's Landscape and Tree Officers. The submitted landscape plan is not altered by this proposal and provides net gains for landscape which would in turn allow for subsequent net gains in terms of biodiversity in accordance with paragraphs 127, 153 170(d), 174(b) and 175(d) of the NPPF, Policy CPN 8 of the Climping Neighbourhood Plan and policies D SP1 and ENV DM5 of the Arun Local Plan.

SUMMARY

This proposal relates to changes to the design of one of the approved plots only. These changes have no materially adverse impact on the scheme as a whole and are acceptable in terms of the impact on residential amenity and character. The application is recommended for approval subject to conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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

The previous permission secured £10,000 in funding towards the provision of the footpath which would be made payable prior to the occupation of the first dwelling. .

CIL DETAILS

This application is not CIL liable given that it is only the design of one of the approved dwellings which is being altered.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans

Location Plan

Proposed Elevations 190725/HT-F1-EL

Proposed Floor Plans 190725-HT-F1-FP

Comparative House Type F1 Floor Plans 190725/HT-F1-FP RevA

Comparative House Type F1 Elevations - 190725/HT-FT-EL RevB

Site Layout - 190725/SL-01 Rev M

Street Scene Sections -190725/SS-01 Rev D

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 of CM/64/19/PL only. The applicant is advised and reminded that the planning conditions attached to CM/64/19/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission.

- 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.