

Recommendation Report for Planning Permission

REF NO: CM/17/21/PL

LOCATION: Land at Wren Cottage
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Development of 2 No. 2-bed & 2 No. 3-bed detached dwellings & associated works (resubmission following CM/53/20/PL). This site is in CIL Zone 3 & is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to erect 2 No. 2-bed & 2 No. 3-bed detached dwellings. This application follows a withdrawn scheme CM/53/20/PL. The four dwellings would be sited in a line. Plot 1 would be a full height 2 storey dwelling with a ridge height of 8m and the eaves height slightly lowered below the top of the first floor windows. Plots 2 - 3 would be slightly lower with a ridge height just under 7m. Plot 4 would be a one and a half storey dwelling with a room in the roofspace and a ridge height of 7.08m. Each dwelling would face east and have a private rear garden to the west adjoining the rear boundary with properties on Wooldridge Walk.
SITE AREA	0.25 hectares
RESIDENTIAL DEVELOPMENT DENSITY	16 dph
TOPOGRAPHY	Predominantly flat.
TREES	There are mature trees on the western boundary. A number of category B and C specimens have been removed to accommodate the development.
BOUNDARY TREATMENT	Fencing and hedging to site boundaries.
SITE CHARACTERISTICS	The site is on the south side of Horsemere Green Lane. It comprises the former rear garden of a residential dwelling Wren Cottage.
CHARACTER OF LOCALITY	The extensive plots of Scyld, Mistletoe Farm, Forgetmenot Cottage and Langford contrast significantly with the prevailing pattern of development fronting Horsemere Green Lane which is characterised by high density residential development. Higher density is present in Wooldridge Walk and Apple Tree Walk flanking the application site. Development is predominantly in linear form fronting the

highway, with hard standings forward of the properties, integral garages and landscaped front gardens. Recent planning permissions for residential development have been granted at Scyld and Mistletoe Farm.

RELEVANT SITE HISTORY

CM/21/19/PL	Construction of 9 no. dwellings, access, landscaping and associated works.	ApproveConditionally 07-11-19
CM/53/20/PL	Development of 2 No 2-bed & 2 No 3-bed detached dwellings & associated works. This site is in CIL Zone 3 and is CIL Liable as new dwellings.	Withdrawn 26-02-21

The red edge of the site includes the access road to the site which was recently approved as access to a development for 9 dwellings (CM/21/19/PL). This area is intended to provide drainage for both schemes. This development would need to ensure sufficient capacity is available to adequately drain both sites.

REPRESENTATIONS

Climping Parish Council - Objection.

It is acknowledged that concerns raised by ADC have been addressed on this resubmission of CM/53/20/PL, however there are no changes to the original layout and Parish Council's original concerns were not addressed. Reiterates their objection;

- The dwellings are too close to properties in Wooldridge Walk. Overbearing on those properties and unduly overlooking them affecting privacy.
- Two storey dwellings are out of character.
- The development uses the same access as the 9 dwellings approved in CM/21/19/PL (land adjacent to Scyld) so the access will serve 13 dwellings if this application is approved. If there had been one application for 13 dwellings there would have been a requirement to provide amenity space/children's play area.
- Insufficient visitor parking - there is no turning point at the end of the road access to these 4 dwellings
- The access junction on to Horsemere Green Lane needs to be re-assessed to allow for 13 dwellings to safely use it.
- Concerned about the further loss of habitat for both flora and fauna.
- A geophysical survey should be required for this site.

12 letters of objection on the plans as originally submitted grounds of;

- Don't give a true perspective on how close houses will be to Wooldridge Walk. Upper stories will be looking directly into main living area
- Density far too high for a rural village situation
- 2 storey property unacceptable due to overlooking bungalows in Wooldridge Walk
- Detrimental effect on wildlife
- Concern how surface water drainage will cope

- Access from Horsemere Green Lane will add to the already excessive use of this small rural road
- 2 "bungalows" instead of the 4 large houses would be more acceptable and in keeping
- Cars will have headlights directed into adjoining property
- The properties are too close to Wooldridge Walk and also to number 30 Appletree Walk
- Lack of visitor parking spaces

7 letters of objection on the amended plans submitted 15 July 2021;

- Original objection stands. Applicant has not addressed the advice given by ADC planning officer. Plots 2 - 4 still have west facing first floor windows.
- Additional houses on the site are too much
- No amendments to plot 1 which overlooks 4 Wooldridge Walk
- Opposed to layout, density and overbearing impacts
- Out of character
- Development is too big for the size of the plot
- Proposed property only 16m from the rear of no.5 Wooldridge Walk
- Two storey properties unacceptable
- Detrimental effect on wildlife

COMMENTS ON REPRESENTATIONS RECEIVED:

These matters will be considered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC (Highways)

- Visibility splays in excess of 2.4m x 43m are achievable at the point of access to Horsemere Green Lane, which is suitable for roads such as this.
- The applicant proposes ten car parking spaces, with three spaces for Plots 1 and 2 and two spaces for Plots 3 and 4. In addition to this, two visitor parking spaces will be provided. From inspection of the plans, the driveways are suitably sized to accommodate the parking spaces. The parking provision is in accordance with the parking requirements set out by Arun Parking Standards. Cars can utilise the private access drive to turn and exit onto the maintained highway in a forward gear.
- Electric vehicle (EV) charging points should be provided.
- The proposals have been considered taking into account permission CM/21/19/PL.
- The LHA does not consider 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 NPPF (paragraph 109), and that there are no transport grounds to resist the proposal.

ADC Engineers - This application is closely linked with the neighbouring development at Scyld. The surface water drainage design at Scyld has been modified to account for flows from both developments. No conditions to request.

Arun District Council Greenspace - No objection subject to submission of detailed landscape scheme.

West Sussex Fire and Rescue Service - Requests conditions in respect of provision of fire hydrants.

Environmental Health - No objection in principle to this application. Request conditions in respect of electric vehicles, contamination and construction controls.

ADC Ecology - Should the proposals receive permission, conditions in respect of Biodiversity Net Gain, reptile removal, lighting scheme, precautionary trenches and nesting birds would be required.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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

Clymping Neighbourhood Plan 2015 Policy CPN8 Protection of Trees and Hedgerows

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 and Made Neighbourhood Development Plans.

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

Policies from the made Climping Neighbourhood PPlan have been taken into account when reaching a decision.

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 there is inadequate distance separation proposed to the existing dwellings to the west that result significant adverse impacts on residential amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that 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 consists of the Arun Local Plan (ALP) and Climping Neighbourhood Plan. 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 SP1, 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.

The site is outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development in the built up area. Due to the location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1.

MATERIAL CONSIDERATIONS

The NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside the defined BUAB, contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The site is adjoined to the South, East and West by dwellings. To the North-East there is an industrial estate. The site is bordered by a dwelling to the North. None of the boundaries are in open countryside use and the site is bounded by built form. The impact on the character of the countryside, from the erection of 4 houses on the site is acceptable. The site lies adjacent to a recently approved site for 9 dwellings at Scyld. For these reasons, it is considered that there are other material considerations that weigh in favour of granting planning permission, contrary to the principles of the development plan.

Development of the site to provide 4 additional houses is acceptable in principle and accords with the requirements of the NPPF. Para 11d of the NPPF applies and the application should only be refused if there are significant and demonstrable negative impacts that outweigh the presumption in favour.

VISUAL AMENITY AND CHARACTER

The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design. The development has a density of 16dph. The density of the development accords with adjoining development at Scyld which has a density of 14dpa (dwellings per hectare). Compared with densities of 18 dph at Appletree Walk and 17 dph at Mant Close and Wooldridge Walk. The proposed site is currently lower density than some of the surrounding development, but comprises an acceptable density given the range of adjacent plot densities. Forgetmenot Cottage, Langford and Wren Cottage all have significant plot sizes.

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'.

Appendix 1 'Climping Character Assessment' of Clymping Neighbourhood Plan identifies the application site as 'Horsemere Green Lane' where it states 'most of the houses are detached with only smaller numbers of semi detached houses' and 'Wooldridge Walk/Mant Close (39 properties) differs in that it is exclusively three bedroom detached bungalows with rendered walls and tiled roofs built around a small open green space.'

It is necessary to consider the guidance within the NPPF. Section 12 states that high quality buildings and places are fundamental to the planning process and sets design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The design of the dwellings is generally acceptable. The proposal incorporates a traditional design with a simple appearance and a materials palette reflective of houses in the local area.

The development has been designed to make appropriate and effective use of the land available. The linear pattern of 4 two-storey houses fronting the access road is acceptable and similar to that approved at Scyld.

The stretch of dwellings between Wooldridge Walk and Apple Tree Walk are of relatively modern design and mainly bungalows with reduced garden areas. The principle of the development accords with this style of development and be in keeping with what is in the area. For the reasons set out below, there are significant and demonstrable concerns with regard to the impact on residential amenity. Whilst the principle of the proposal accords with policies D DM1 (1) and D SP1 of the ALP, CPN11 of the CNP and section 12 of the NPPF, there are amenity issues that sit alongside character issues. These result in a cramped form of development. Should the amenity issues have been satisfactorily resolved, then the proposals would be considered to be acceptable.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it does not result in impacts on adjoining occupiers, land, use or property. None of the NP policies specifically refer to residential amenity issues.

The Arun Design Design Guide includes a section on backland development which states 'backland developments should demonstrate an understanding of any potential effects on the character and amenities of the neighbouring urban area. As a general rule, backland developments should be subservient to existing properties, and their layout should seek to maximise the outlook of neighbours.

Part H of the Arun Design Guide states that amenity spaces should be of an appropriate size with rear garden depths being at least 10.5m. One of the properties has a depth marginally less than this but this

is not sufficient to conclude there is not general compliance with this element. The Guide states that minimum back to back distances of 21m should be provided to ensure adequate levels of residential amenity are maintained and provided. The Guide seeks to ensure development is a minimum of 12m from site boundaries. As mentioned above, the dwellings are between 10m and 11.5m from the west boundary of the site and three of the plots are not over 21m from the rear of properties in Wooldridge Walk.

Proposed rear garden depths of between 10m - 11.5m are included.

As originally submitted, concerns were raised about the impact the proposals would have on the residential amenity of adjoining properties, particularly those to the west of the site.

- Dwellings were not sited a minimum of 12m from the boundary (as required by the Design Guide).
- The distance from the rear of plots 3 and 4 to the rear of properties in Wooldridge Walk was 22m and 20m.
- Plot 1 has a distance of 22m to properties in Wooldridge Walk. Plot 2 has a distance of 15.6m. All of these units have first floor windows on the rear elevation.
- Whilst some of these distances satisfied the minimum 21m distance in the Design Guide, it was acknowledged these are distances from a 2 storey dwelling to existing single storey dwellings and an additional allowance should be included (especially as the 12m boundary distance was not satisfied).
- Officers raised concerns regarding the plot 2 and its relationship with adjoining properties previously. Whilst the length of the rear garden has been increased, it is below the 10.5m required in the Design Guide and a distance of 5.6m is provided to the rear of properties in Wooldridge Walk; well below the required 21m.

Officers raised concerns regarding the relationship with 30 Appletree Walk during consideration of the previous proposals. This was due to the siting of Plot 4 relative to the boundary and the height of the proposed dwelling. Plot 4 has been moved slightly further from the boundary and the dwelling is of a reduced scale sufficient to overcome previous concerns.

Officers requested the applicant amend the proposals to ensure that all properties were set away from the boundary by a minimum of 12 and that plots 2 - 4 are amended to be 1.5 storey (maximum) with no first floor windows facing west.

Amended plans were submitted.

- Proposed properties remain between 10.1m - 11.6m from the boundary to the west. None are over 12m from that boundary.
- Plot 1 has not been amended and remains a two storey dwelling and has a distance to 4 Wooldridge Walk of 21m. The property is sited 10.6m from the rear boundary.
- Plot 2 has been amended to reduce the ridge height by only 0.86m. Rear facing first floor windows are proposed, even though they are rooflights. The property is only 10.1m from the boundary and the distance to the rear of 5 Wooldridge Walk is only 15.6m.
- Plot 3 been amended to reduce the ridge height by only 1m. Rear facing first floor windows are proposed, even though they are rooflights. The property is 11.2m from the boundary and the distance to the rear of 6 Wooldridge Walk is 22m but only 18.7m to the rear of 7 Woodridge Walk.
- Plot 4 has not been amended in siting or scale. Rear facing first floor windows are proposed and these are not rooflights. The property is only 10.9m from the boundary and the distance to the rear of 7 Wooldridge Walk is 20.3m and 18.7m from the rear of 8.

Whilst the applicant has made some changes that reduce the impact on adjoining properties through the slight reduction in height and minor amendments to the rear windows at first floor o the rear, they have

failed to address the concerns that have been stated. Namely,

- None of the properties have been re-sited to be a minimum of 12m.
- Had plot 1 been sited over 12m from the boundary, it is considered that this would be acceptable.
- Whilst windows to first floor habitable rooms may have been removed from the rear of plots 2 - 4, the proposed properties retain windows that face the properties to the west. These, combined with the inadequate distance separation, will result in the significant perception of overlooking.
- Only one relationship exceeds the 21m guidance. In this case, it is only just satisfied and is from a proposed two storey dwelling to a single storey dwelling.
- Three other relationships fall short of the 12m to boundaries and 21m distance separation.

The scale of these inadequate distances relative to the Design Guide and the fact the the properties to the west are bungalows with minimal rear amenity areas result in the proposals causing significant harm to the residential amenity enjoyed by these properties. These impacts are significant and demonstrable and outweigh the presumption in favour.

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 approved access from Horsemere Green Lane to the east of Scyld measuring 4.8m wide and with required visibility splays which has been approved to serve the development of nine dwellings.

The scheme provides adequate turning and parking provision for each house. Plots 1 & 2, 3 bed detached units have 3 parking spaces, plots 3 & 4, 2 bed have 2 parking spaces and there are 2 further unallocated spaces for visitors resulting in a total of 10 parking spaces to serve the development. This level of provision accords with Arun's parking standards.

WSCC Highways have no objection. The applicant proposes to utilise the vehicular access approved by CM/21/19/PL. They confirm they have assessed these proposals alongside CM/21/19/PL. Visibility splays in excess of 2.4m x 43m are achievable at the point of access to Horsemere Green Lane, which is suitable. It is not considered there is conflict with adopted development plan policies or with the NPPF.

Electric vehicle charging points will be required to be secured via conditions should the development be considered favourably.

DRAINAGE AND FLOODING

Policies W SP1 and W DM2 of Arun Local Plan and CPN12 of Climping Neighbourhood Plan 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.

The Council's Drainage Engineers have assessed the proposals and are satisfied with the proposals from a flood risk and drainage perspective. They state that this application is closely linked with the neighbouring development at Scyld and that the surface water drainage design at Scyld has now been

modified to account for flows from both developments. They do not suggest any conditions.

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.

An Ecological Assessment Report accompanies the proposals and the Council's Ecologist has raised no objections subject to the imposition of conditions.

TREES

Policy ENV4 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 Climping Neighbourhood Plan 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.

A large number of category B & C trees have been removed prior to the submission of the application. The only specimens remaining on the are a group in the north western corner (some inside and some outside of the site boundary) and a small band of specimens on the western boundary. There is one category A specimen located outside of the site boundary to the north. These are shown for retention.

The Council's Tree Officer has not responded to the consultation. Should the application be considered favourably, landscaping conditions would be required to provide a significant screen to the west boundary.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The development will achieve a reduction in carbon dioxide emissions through, for example, a mix of highly efficient materials, ventilation & heating systems, passive solar gains, an air-tight build and solar photovoltaic panels installed on dwellings with optimal, south-facing roof-spaces. As there no specific details as to which dwellings will be provided with solar panels, it would be necessary to impose a condition requiring approval of such energy reduction measures. It is considered the proposal complies with policies ECC SP1 and ECC SP2.

SUMMARY:

The proposals result in significant and demonstrable adverse impacts that significantly outweigh the presumption in favour of sustainable development afforded by para 11d of the NPPF.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

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

RECOMMENDATION

REFUSE

- 1 The proposals result in significant and demonstrable adverse impacts on the residential amenity of properties to the west of the site. They are sited an insufficient distance from site boundaries to prevent overbearing impacts and do not provide adequate distance separation between the proposed and existing development sufficient to retain residential amenity. The siting of the dwellings, coupled with the excessive scale, results in a proposals that fails to accord with policy D DM1 of the Arun Local Plan and Para 130 of the NPPF. The proposal fails to accord with guidance in the Arun Design Guide.
- 2 As a result of the inadequate distance separation proposed, it would result in an overly cramped form of development that will fail to respect the character of the locality. The proposals will therefore fail to accord with the Arun Design Guide, policy D DM1 of the Arun Local Plan, policy CPN11 of the Climping Neighbourhood Plan and Para 130 of the NPPF.
- 3 The proposals result in significant and demonstrable adverse impacts that significantly outweigh the presumption in favour of sustainable development afforded by para 11d of the NPPF.
- 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 reason(s) for the refusal, approval has not been possible.