

Recommendation Report for Planning Permission**REF NO:** CM/23/17/PL**LOCATION:** Land at Entrance to Waterford Gardens
Horsemere Green Lane
Clymping**PROPOSAL:** Erection of 1 No. dwelling with detached garage (resubmission of CM/29/14/PL).
This application is a Departure from the Development Plan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.05 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	20 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to the south and west. Wooden fencing and hedging at over 1.5m in height to the north. Close boarded fencing and hedging/trees over 2m in height to the east.
SITE CHARACTERISTICS	The site comprises vacant land which has been laid to lawn and is situated close to the entrance of the Waterford Gardens residential estate.
CHARACTER OF LOCALITY	Predominantly residential in character but within a semi-rural setting, there are mainly two storey detached and semi-detached properties in the vicinity. Telecottage to the west is a commercial premises comprising of offices. There are fields situated to the north.

RELEVANT SITE HISTORY

CM/10/08/	Erection of 1 no. 4 bed dwelling.	App Cond with S106 07-01-2009
CM/18/11/	Renewal of unimplemented planning permission CM/10/08/ - Erection of 1 no. 4 bed dwelling	App Cond with S106 01-02-2012
CM/6/13/CLE	Application for certificate of lawfulness for an existing use as Class B1 (a) office use	Approve 19-07-2013

CM/29/14/PL	Erection of 1 No 4 bed dwelling and garage. This application is a Departure from the Development Plan.	App Cond with S106 04-11-2014
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REPRESENTATIONS

Representations received:

Climping Parish Council

No Objection -- provided the case officer is satisfied that the development is not detrimental to the street scene.

One Objection - This application is a departure from the Development Plan

Reports dating back to 2003 submitted in support of the application are out of date. There has been no ground investigation or soil report. There is no Planning, Design, Access or Lighting Statement.

Trees shown on the block plan to the east do not exist. 29 Cropthorne Drive is not indicated on the block plan. There is no indication of ground levels or below surface drainage which will affect adjoining properties.

Loss of amenity for children.

Overdevelopment and massing of existing development.

Reduced visibility for traffic on the access road due to the proximity of the proposed development.

Inadequate garden area which is not in-keeping with the existing development.

Will appear visually dominating, especially in its height

Not all spaces to boundary from the garage are dimensioned

Comments on Representations received:

The proposal would alter the appearance of the street scene, but the impact on visual amenity would not be unacceptable. The spacious setting to the entrance would be retained.

A gap of 9.2m is provided between the dwelling and the road frontage.

Simply because the application is a departure does not mean it should be refused.

Lighting, Planning Design and Access Statements, drainage, soil and ground investigation reports are not required to be submitted as part of the proposal. The submission of details of ground levels has not previously been conditioned and there is no change in the site condition that would warrant imposition now. Any damage resulting to the neighbouring property as a result of the development would be a private legal matter.

The presence of trees outside the application site is not relevant to consideration of the application since they are not in the applicant's ownership. The site has been visited and it is apparent they do not exist. Whilst 29 Cropthorne Drive is not shown on the block plan it is indicated on the site plan which can be scaled and used to assess the impact of the garage on the adjoining property.

The area does not comprise public open space.

It is not considered that the proposal represents overdevelopment. The plot size is readily comparable with other plots in the locality. The distance to boundaries does not need to be provided. They can be scaled. There has been no objection from West Sussex County Council Highways department regarding the highway safety issues at the site. The garden area exceeds 20m in depth which meets the External Space Standards requirements and is considered to be in-keeping with existing development. The remaining points regarding the design of the proposed dwelling are discussed in more detail in the Conclusions section of this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Environmental Health

Consultations responses received:

West Sussex County Council Highways
No Objection - Informative requested

Environmental Health - No comment

Drainage Engineer - The applicant should investigate the disposal of surface water to ground via infiltration. The design will need to be agreed with Building Control.

There is a watercourse adjacent the plot, please could standard condition 4A be applied, just in case infiltration proves not to be feasible and that a connection to the watercourse is required.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN3
GEN7
GEN12

Publication Version of the Local
Plan (October 2014):

Clymping Neighbourhood Plan 2015 Policy
CPN11

Protection of the Countryside
The Form of New Development
Parking in New Development
C SP1 Countryside
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
Quality of Design

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 has taking place. 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. The examination is due to re-commence in Autumn 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

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).

Policy CPN11 'Quality of Design' of Clymping Neighbourhood Plan is considered relevant to consideration of the proposal.

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 materially adverse effect on the visual amenities of the locality or the residential

amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located outside the built up area boundary where the principle of new development is unacceptable, unless overriding justification is made for such a development. In this instance, there are considered to be material considerations to outweigh the conflict with the policies of the Development Plan which have been addressed within the previous application.

BACKGROUND/CONTEXT

This application forms a renewal of previous approvals dating back to CM/18/11. The proposal effectively renews CM/29/14/PL which is due to lapse in November 2017. This was also for the erection of 1 no. 4 bed dwelling and all details remain the same as before.

A shop has been previously approved under planning permission CM/18/98 and so development has been well established on this site. The replacement of the shop development with the erection of 1no. 4 bed dwelling was granted planning permission under application reference CM/10/08. This was subsequently renewed under permission CM/18/11 and CM/29/14/PL.

Since granting previous permission CM/18/11, the National Planning Policy Framework has been published which places particular emphasis on good quality design. It is considered that the proposal is acceptable in terms of the NPPF for the reasons set out in the Design and Visual Amenity section.

The Emerging Local Plan reinforces the emphasis on good design and for any new development to integrate well with its surroundings. It also stipulates internal and external space standards which are discussed in the relevant sections below.

Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011.

The Council is unable to demonstrate an adequate 5 year supply of housing land as required by paragraph 49 of the National Planning Policy Framework (NPPF) and Policy GEN 5 of the Arun District Local Plan is outdated. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed

Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council therefore need to identify adequate land supply to meet the additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October 2016 and the Council, based on this need, is only able to demonstrate approximately 2 years worth of supply

It is not considered that the application can be refused solely on the grounds of being located in the countryside/outside of the defined built up area unless additional harm arises from this countryside location.

SITE SUSTAINABILITY:

The proposed site is not a significant distance from the nearest settlement boundary in that [Climping itself does not have a defined built up area boundary and therefore the nearest defined settlement boundary within the district of Arun is considered to be Littlehampton. It is considered that the nearest shops and services within the district of Arun are Bairds Farm shop, Climping School and those at Yapton and Littlehampton, these are a reasonable distance away. However bus stops exist in Ford Road and Ford Station is within walking distance. It is therefore considered that the site is located in a sustainable location and that the new residents would not necessarily be entirely reliant on the private car to access local shops and services.

DESIGN AND VISUAL AMENITY

The principle of development on this site has been well established, both for a shop and 1no. 4 bed dwelling. The proposed dwelling is of the same layout and appearance as the approved dwelling under planning permission CM/10/08. It is considered that the proposed dwelling forms a logical extension of the existing development on Horsemere Green Lane and will not form an incursion into the countryside.

The amount of car parking from the previously approved shop in application CM/18/98 forms a significant visual improvement given the prominent location of the site at the entrance to the residential estate. The elevations of the dwelling are considered to be in-keeping with the style and character of surrounding residential properties. It is therefore considered that the proposed dwelling and detached double garage are acceptable in visual amenity terms and in particular conformity with the NPPF and policy D DM1 of the Emerging Local Plan which have been introduced since previous permission CM/18/11.

TECHNICAL HOUSING STANDARDS - NATIONALLY DESCRIBED SPACE STANDARDS

The proposed dwelling meets the internal space requirements for room sizes and as such complies with national guidance.

EXTERNAL SPACE STANDARDS (POLICY D DM3, EMERGING LOCAL PLAN)

The proposed dwelling meets the external space requirements with a rear garden exceeding 10m in depth (approximately 20m) and 100 sq m in area.

RESIDENTIAL AMENITY

The proposed dwelling is to be situated on an area of greensward that is set comfortably away from neighbouring properties to the south and west and separated further by an access road. There is approximately 20m distance to the rear eastern boundary.

Whilst the detached double garage measures approximately 4.6m in height and is in relative close proximity to the rear eastern boundary, there is close boarded fencing and hedging/trees at over 2m in height which will shield part of the structure and has a pitched roof design which will slope away from the boundary.

It is therefore considered that the proposed dwelling and double garage will not cause any harmful overshadowing or overbearing effects, or any unacceptable overlooking or loss of privacy.

HIGHWAYS AND PARKING (GEN12, LOCAL PLAN)

There has been no objection from West Sussex County Council regarding the highway safety issues at the site. It is therefore considered that the proposal is acceptable in highways and parking provision.

It is therefore recommended that the application be approved, subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

drawing number Site plan 1408 100 dated February 2017, 02 (Block plan) dated February 2008, 01 (Proposed elevations) dated February 2008 and 03 (Proposed double garage) dated February 2008.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed dwelling have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the dwelling.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No development shall commence until details of the siting, type and design of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatments have been constructed in accordance with these approved details.

Reason: In the interests of the visual amenities of the locality in accordance with the policy GEN7 of the Arun District Local Plan.

- 7 No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is potentially of archaeological interest in accordance with the policy AREA17 of the Arun district Local Plan. It is necessary for this to be a pre commencement condition to ensure no damage to archaeological artifacts.

- 8 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No development of the site shall commence until the vehicular access serving the proposed dwelling has been constructed in accordance with the approved drawing.

Reason: In the interests of highway safety in accordance with policy GEN7 of the Arun District Local plan.

- 10 Notwithstanding the details shown on the submitted plans, the 1.8 metre boundary fence alongside Horsemere Green Lane shall be substituted for a hedgerow, details of which shall be submitted and approved under condition 4 of this Decision Notice.

Reason: In the interests of the visual amenities of the locality in accordance with the policy GEN7 of the Arun District Local Plan.

- 11 INFORMATIVE: The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways Act.

- 12 INFORMATIVE: The applicant is advised to contact the Area Engineer, West Sussex County Council, Drayton Lane, Drayton, Chichester, PO2 6BW, (Tel no:01243 836900) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

- 13 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.