

Recommendation Report for Planning Permission

REF NO: CM/55/20/PL

LOCATION: Scyld
Horsemere Green Lane
Climping
BN17 5QZ

PROPOSAL: Variation of condition 2-plans condition imposed under CM/21/19/PL to omit the detached garage serving units 5 and 6 and provide these two units with an attached garage allowing a sewer diversion to run between the units ensuring a 3m easement either side of the sewer in accordance with Southern Water requirements.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary an earlier planning permission by amending the previously approved site plan and elevations and floor plans for plots 5 and 6 to accommodate the presence of a public sewer running through the site which was not identified on the originally approved planning drawings. Following consultation between the Developer and Southern Water it became apparent that in order to comply with regulations regarding required easements it would not be possible to construct the scheme as approved. The proposal would require the detached garage serving units 5 and 6 to be omitted and instead provide these two units with an attached garage allowing a sewer diversion to run between the units ensuring a 3m easement either side of the sewer in accordance with Southern water requirements.
TOPOGRAPHY	Predominantly flat.
TREES	The site has been cleared of trees except on the site boundaries.
BOUNDARY TREATMENT	The boundary to the West has a 2m high fence that runs the full length of the plot. The boundary to Apple Tree Walk is also fenced to 2m with foliage to Horsemere Green Lane. Other boundaries are enclosed by 2m high fencing.
SITE CHARACTERISTICS	The application site is located on the south side of Horsemere Green Lane. It is an overgrown, vacant plot of land.
CHARACTER OF LOCALITY	The extensive plots of Scyld, Mistletoe Farm, Forgetmenot Cottage and Langford the adjacent property to the east, contrast significantly with the prevailing pattern of development fronting Horsemere Green Lane which is characterised by high density residential development. This comprises two-storey houses and bungalows of higher density to 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

RELEVANT SITE HISTORY

CM/21/19/PL	Construction of 9 no. dwellings, access, landscaping and associated works.	ApproveConditionally 07-11-19
CM/11/21/DOC	Approval of details reserved by condition imposed under CM/21/19/PL relating to conditions 11-surface water drainage scheme, 12-discharge of flows to water courses or for the culverting, diversion, infilling or obstruction of any water course on or adjacent to site & 13-maintenance and management of surface water drainage system.	
CM/2/21/DOC	Approval of details reserved by condition imposed under CM/21/19/PL relating to conditions 10-schedule of materials & finishes; 11-proposed surface water drainage; 12-discharge of flows to watercourses or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to site & 13-maintenance & management of surface water drainage system.	DOC Part Approved 25-02-21
CM/44/20/DOC	Approval of details reserved by condition imposed under ref CM/21/19/PL relating to Condition No 8 - Construction Management Plan.	DOC Approved 22-12-20

REPRESENTATIONS

Climping Parish Council - No objection

Request a condition is made on the site for an archaeological survey to be carried out given the extensive findings in the field to the south of this site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The condition requested cannot reasonably be imposed.. The proposal only seeks amendments to 2 of the previously approved plots and could only have been imposed prior to approval of the scheme for the whole site. An Informative will added to advise the Developer of the possibility of archaeological findings.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection

Drainage Engineer - No Comment

County Highways - No Objection

This relates to removal of the detached garage serving plots 5 & 6 and providing these plots with an attached garage each. There will be no decrease to parking allocation on site and no change to access from the highway; therefore there are no highway safety or capacity concerns.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
HEELA Site

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
DSP1	D SP1 Design
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
WDM1	W DM1 Water supply and quality

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment
Clymping Neighbourhood Plan 2015 Policy CPN12	Reducing the risk of flooding
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 Clymping Neighbourhood Plan has been made and the relevant policies have been taken into account in the consideration of this application.

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 there would be no materially adverse impact on parking provision, sewer retention or visual and residential amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The only aspect of the approved scheme which can be considered as part of this proposal is the repositioning of the parking to plots 5 and 6 which has changed from a detached garage to a linked garage to each plot. The only issues impacts are those on visual and residential amenity, parking provision and the existing sewer. The principle of the 2 dwellings as part of a development of 9 units has been approved.

VISUAL AMENITY AND CHARACTER

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character in terms of its scale, siting, layout, density, building materials (colour, texture), landscaping, and design features..

Arun Local Plan Policy D SP1 - Design requires all development to reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....'

Policy CPN11 of the Clymping Neighbourhood Plan seeks to ensure that proposed development is in keeping with its location so as to protect and enhance the character of the locality.

The design of the dwellings and materials are acceptable and are not altered in this proposal. The scheme still comprises a well-balanced layout and appropriate house design for its location within existing residential development. The amount of development is considered to be appropriate and is

unaltered. The garages would have flat roofs and would not be readily visible from outside the site. The materials for the development have already been agreed under reference CM/2/21/DOC.

The scale of the development is unaltered and is responsive to the site's surroundings with bungalows to the west within Wooldridge Walk and larger two-storey houses to the east. The height of the units is not changed and the garages would be flat roofed and located away from site boundaries allowing acceptable spacing between dwellings to be retained. The height of the dwellings and space to rear boundaries is unaltered. The amended appearance of the dwellings by the attaching of the garages accords with built form in the vicinity.

The amendments to the 2 plots retain sufficient amenity space and compare favourably with other nearby properties, and would provide an appropriate scale of development consistent with the surrounding form of residential development local without resulting in harm to the character of the area.

It is therefore considered that the proposal would be in accordance with policies D DM1 (1) and D SP1 of Arun Local Plan and policy CPN11 of the CNP and paragraphs 12 and 127 of the National Planning Policy Framework.

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 NPPF in paragraph 180 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

In this case the layout and positioning of the approved dwellings is unaffected in terms of separation distances and the placement of fenestration. Separation distances between the development and existing dwellings are unaffected by the garage repositioning and remain sufficient to prevent overlooking or overshadowing of neighbouring properties. Indeed the approved garages were closer to the boundary with Forgetmenot Cottage than is now proposed.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with policy D DM1 of Arun Local Plan .

INTERNAL/EXTERNAL SPACE STANDARDS

The internal layout of the proposed has only been amended by the addition of garages. The internal space remains the same. Plots 5 and 6 have 3 bedrooms with a gross internal floor area of 165sqm which exceeds the 6 person, 2 storey standard. As such the proposal remains fully compliant with the Nationally Described Space Standards (NDSS).

The minor layout changes proposed to plots 5 and 6 retain good sized gardens and appropriate separation distances between dwellings. The Arun Design Guide seeks the provision of a 10m rear garden length and proportionate and useable garden areas. The private amenity space for the plots 5 and 6 is still acceptable and maintains a depth which meets these requirements.

HIGHWAY SAFETY, & PARKING

The proposals do not alter the approved access arrangement from Horsemere Green Lane. The amendments retain adequate turning and parking provision for each house and a turning head at the

southern end in order that refuse vehicles are able to access the site. Each dwelling has two to three parking spaces and a garage and five further unallocated spaces for visitors resulting in a total of 29 parking spaces to serve the development. There will be no decrease to parking allocation on site and no change to access from the highway; and WSCC Highways have no highway safety or capacity concerns.

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

It is not therefore considered that the proposed change to the approved garages conflicts with the adopted development plan policies or with the NPPF.

DRAINAGE AND WATER QUALITY

The Council's Drainage Engineers have been consulted on this application and have no comment to add to their response to the original application where drainage conditions were imposed which would be adequate to ensure the site is adequately drained in accordance with policies W SP1 and W DM2 of Arun Local Plan and CPN12 of Climping Neighbourhood Plan. The submission of details is awaiting consideration and is the subject of application CM/11/21/DOC. The presence of the sewer crossing the site has been acknowledged in this application and will remain unaffected by this amended layout which includes a 3m easement. The water quality has been appropriately considered in accordance with policy W DM1 of Arun Local Plan. Southern Water have no objection to the proposal.

ECOLOGY

Policy ENV DM5 of the Arun Local Plan related 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.

The original development was accompanied by a full ecological appraisal, tree report and a reptile survey. The ecology impacts of the changes to garaging proposed and conditions relating to biodiversity previously imposed are not altered by this proposal.

TREES

The original application was supported by a Tree Survey and Tree Protection and Retention Plan. Most trees are being retained where possible. The proposal does not alter the impacts already acknowledged in the approval for the site. The garages are moved further from the site boundaries where trees are positioned so any impact is reduced. Policy CPN8 Protection of Trees and Hedgerows in the Climping Neighbourhood Plan is relevant. Only one Category B tree a *Liriodendron tulipifera* is to be removed to create the driveway. All other trees are being shown as retained and protected throughout development and are controlled by conditions on the original approval.

SUMMARY

The proposal has no adverse impact on visual or residential amenity, foul sewerage or car parking provision. The application is therefore recommended for approval subject to the following 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:
 Plot 5 Proposed Elevations 112 revA
 Plot 5 Proposed Floor Plans 110 revA
 Plot 6 Proposed Floor Plans 111 revA
 Plot 6 Proposed Elevations 113 revA
 Location, Block and Site Plans 1104 1100
 Floor Plans - Plot 1: 1111/DPA103 Rev 01
 Proposed Elevations - Plot 1: 1111/DPA104 Rev 01
 Floor Plans - Plots 2 & 3: 1111/DPA105 Rev 01
 Proposed Elevations - Plots - 2 & 3: 1111/DPA106 Rev 01
 Floor Plans - Plot 4: 1111/DPA107 Rev 01
 Proposed Elevations - Plot 4: 1111/DPA108 Rev 01
 Floor Plans - Plot 7: 1111/DPA111 Rev 01
 Proposed Elevations - Plot 7: 1111/DPA112 Rev 01
 Floor Plans - Plots 8 & 9: 1111/DPA113 Rev 01
 Elevations Plots - 8 & 9: 1111/DPA114 Rev 01
 1111/DPA 115 Rev 01
 Tree Constraints Plan Sheet 1 of 2 LLD1483-ARB-DWG-001 rev00
 Tree Constraints Plan Sheet 2 of 2 LLD1488-ARB-DWG-002 rev00
 Tree Retention & Protection Plan Sheet 1 of 2 LLD1483-ARB-DWG-003 rev01
 Tree Retention & Protection Plan Sheet 2 of 2 LLD1483-ARB-DWG-004 rev01

 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 planning permission CM/21/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number CM/21/19/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.

- 4 **INFORMATIVE:** The Developer is advised to take account of the possibility of archaeological finds within the site as the development proceeds.