

Recommendation Report for Planning Permission

REF NO: LY/5/20/PL

LOCATION: Roseland
The Causeway
Arundel
BN18 9JL

PROPOSAL: Removal of roof structure & 1 No. flat in roof space & construction of additional floor to provide 2 No. new flats & 1 No. replacement flat in roof. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to construct two additional flats by adding an additional storey to the building making it a 3 storey building with an additional flat in the roof.
SITE AREA	300 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The site is open to the railway car park with hedging to its rear boundary.
SITE CHARACTERISTICS	The site is occupied by a 2.5 storey residential building providing 5 flats.
CHARACTER OF LOCALITY	The character of the locality is predominantly commercial with Arundel train station situated to the east of the site and associated car park to the south. A taxi rank is situated to the north-east with commercial uses located to the west and further to the south. Residential properties are located to the north adjacent to the A27.

RELEVANT SITE HISTORY

LY/25/17/PL	5 No. residential units (resubmission following LY/9/17/PL).	ApproveConditionally 07-02-18
LY/9/17/PL	Demolition of the existing building & cessation of mixed commercial/residential use & redevelopment of the site with a new two storey building, comprising 4 no. residential flats - This is a Departure from the Development Plan	ApproveConditionally 25-08-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Lyminster & Crossbush Parish Council

Objection on the grounds of it being an inappropriate precedent for other buildings near the site.

COMMENTS ON REPRESENTATIONS RECEIVED:

Precedent is not a material planning consideration.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

Ecology Advisor

Natural England

Highways England

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

ADC Surface Water Drainage - No objections as no increase in impermeable area.

Southern Water - No objection.

ADC Environmental Health - No objection subject to conditions and informatives.

Highways England - No objection subject to condition.

WSCC Fire Service - No objection subject to conditions.

WSCC Highways - No objection.

CDC Ecology - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

OUTS BUILT AREA

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
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
SDSP3	SD SP3 Gaps Between Settlements
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

There is no neighbourhood plan for Lyminster.

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 not to comply with relevant Development Plan policies in that the size and scale of the proposed building would be out of character in the local area and have an adverse impact on Arundel Railway station a locally listed building of character.

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 application site is situated outside of the built up area boundary in a countryside location as defined

by policies C SP1 of the Arun Local Plan. These development plan policies seek to exert strict control over development in the countryside to protect it for its own sake.

The Councils Current Housing Land Supply Data

On 12 February 2020, following appeal decision APP/C3810/W/19/3236911 a Planning Inspector considered the authority was only able to demonstrate 2.9 years HLS.

The NPPF & the Presumption in Favour of Sustainable Development;

As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The presumption in favour of sustainable development therefore applies.

Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

Environment

The site is in walking and cycling distance of a range of local shops, services, health and education facilities. The pedestrian improvements allow occupiers to walk from the site on pavement/via a pedestrian to reach the town centre.

The building would be 3 stories in height with a further room in the roof which would have a significant adverse environmental impact on the area.

Social

The proposal supports the local community by providing 2 new homes.

Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the payment of CIL contributions for local infrastructure; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services.

Assessment of Sustainable Development

The proposal has clear social and economic benefits. The adverse impact to the environment is unacceptable and there is no mitigation possible to offset the harm. As such the proposal would not be environmentally, socially and economically sustainable and would not benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development on is contrary to policies in the development plan. The policies of the Arun

Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

However, for the reasons below the NPPF paragraph 11 d) ii applies and the development is not considered to be sustainable.

STRATEGIC GAP

The proposal is located within the Strategic Gap between Littlehampton and Arundel where policy SD SP3 of the ALP applies. The policy seeks to prevent coalescence of settlements by only permitting development if it would not undermine the physical and/or visual separation of settlements and would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development.

The development proposed is an additional storey to an existing building and would therefore not physically decrease the strategic gap between Littlehampton and Arundel. There is therefore no conflict with policy SD SP3 of the Arun Local Plan.

DESIGN AND VISUAL AMENITY

The current building is prominently located as the only structure of its type within a parking area in front of Arundel Railway Station. It has the appearance of an isolated two storey dwelling akin in appearance with the nearest neighbouring properties to the west.

With a proposed excessive height of 9 metres to the eaves and 13 metres to the ridge it would have an ailean appearance when assessed against the abutting open rural National Park landscape to the north, open fields beyond the railway line to the south and east and the sporadic dwellinghouse type development to the west.

The Arun Design Guide SPD in chapter P infill developments/ site redevelopment requires that design proposals maintain the scale, alignments, building patterns and character of the location. This proposal introduces a building of an excessive height which does not maintain the character of the locality.

Therefore, the proposal would appear incongruous within the street scene and unacceptably out of character with its immediate locality contrary to policies D SP1, D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The property is located sufficiently set away from any other residential properties so as not to have an adverse impact on them by way of loss of light, loss of privacy or any overbearing effects. The proposal is therefore compliant with policies D DM1 and D DM4 of the ALP in this respect.

BUILDING OF CHARACTER

Policy HER DM2 of the Arun Local Plan requires that structures of character such as the Arundel Station, a locally listed building are taken into account in planning applications.

Furthermore the application falls to be assessed against para 197 of the National Planning Policy Framework which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account.

In weighing applications that directly or indirectly affect the setting of non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal at a distance of only 15m from the station building which is a single storey structure would, by virtue of its excessive height, have an unacceptable impact on its setting as a building of architectural and historical interest in conflict with policy HER DM2 of the ALP.

PARKING AND HIGHWAYS

While no objection has been made to the proposal by the West Sussex Highways Authority the proposal has a significant shortfall of parking in accordance with the Arun Parking Standards Supplementary Planning Document.

The standard required for the development as a whole consisting of 7 flats would be 14 spaces. The applicants have only shown 7. However, it is expected that the attraction of the site would be its proximity to the railway station and such a shortfall is therefore acceptable and not in conflict with policy T SP2 of the ALP.

CONCLUSION

By virtue of the above it is considered that the proposed development will fail to accord with relevant development plan policies and as such it is recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 Due to the height and location of the proposal the building would appear as an alien feature in the townscape, result in an overdevelopment of the site be and out of character with the surrounding area contrary to policies D SP1, D DM1 and D DM4 of the Arun Local Plan and the NPPF.
- 2 The proposed development would have an adverse impact on the setting of Arundel Railway

station a locally listed building of historic and architectural interest contrary to policy HER DM2 of the Arun Local Plan and the NPPF.

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