

Recommendation Report for Planning Permission

REF NO: P/26/18/PL

LOCATION: Rear of 6 Hook Lane
Pagham
PO21 3NY

PROPOSAL: 1 No. detached bungalow with on-site parking & vehicular turning facilities (re-submission of P/86/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application is very similar to a planning application for a single bungalow approved in 2016 P/86/16/PL other than 4) alterations to 1) the form of the roof 2) the size of the attached garage. 3) an amendment to the parking and turning layout (no reduction in parking provision or turning space) 4) Removal of an ash tree as set out below;

Bungalow to back of rear garden of 6 Hook Lane.

1) Gable end roof 6 metres in height (replacing a hipped roof with hipped returns to each side other than the west in the previous application).

2) An attached, gable end pitched roof double length garage on the west side of the dwelling at 5.7 metres in height on the west side with a width of 3 metres and a length of 10 metres (replacing a single hipped roof single garage of the same width at a height of 4.3 metres and a length of 4.7 metres in the previous application).

3) The current proposal is for a similar amount of external parking as the previously approved application re-arranged around the footprint of the house to have the two parking spaces immediately to the west rather than to the north and the single parking space and turning head located to the north rather than the west. The internal garage is proposed to be enlarged to allow parking for 2 cars (No objections from WSCC regarding the alterations).

4) An ash tree to be retained in the previous scheme is to be removed as a result of the alterations to car parking and turning.

Other than the above, the application is as previously approved in P/86/16/PL.

The unit would be located close to the side boundaries adjacent to the rear sections of the back gardens of properties 27, 29, 31 and 33a Lion Road. The rear garden would be to the south section of the site in the existing rear garden with access to west side of number 6, driveway, parking (for 3 cars) and turning space to front and side. Garage to west side of unit for 2 cars and small side garden section.

SITE AREA	0.12 hectares for new dwelling (does not include land to be retained for number 6 Hook Lane).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 11 units per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A number of small trees are to be removed as a result of the scheme including a small ash tree retained in the previous similar planning permission P/86/16/PL.
BOUNDARY TREATMENT	1.8m fence to all sides with 2m hedge on rear part of the eastern boundary. Some trees and vegetation also.
SITE CHARACTERISTICS	Extended chalet bungalow with large driveway to front and integrated garage. Garden to front and large garden to rear.
CHARACTER OF LOCALITY	Suburban residential, edge of built up area boundary. Detached bungalows and houses with garden to front and rear, off street parking.

RELEVANT SITE HISTORY

P/86/16/PL	1 No. dwelling with on-site parking & vehicular turning facilities.	App Cond with S106 21-10-16
PAA/57/13/	Erection of two new, three bedroom chalet bungalows with parking and turning areas. Development also utilises garden from 23 Lion Road, Pagham, PO21 3LA	Refuse Pre App 26-06-13

A planning permission (P/86/16/PL) for a similar single bungalow scheme was approved by Committee decision in 2016.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No objection however any potential overlooking should be mitigated. The Parish Council would wish to reiterate its comments regarding the ditch submitted for application P/86/16/PL which were 'however the Planning Authority should take into account the impact of a known downhill ponding flooding site opposite the site of the proposed development.

No comments received from neighbouring properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Natural England

CONSULTATION RESPONSES RECEIVED:

WSCC - No objection to amended parking and turning scheme subject to conditions applied relating to highways on the previously approved application P/86/16/PL.

Natural England - No objection subject to regard being taken of their Standing Advice.

ADC Drainage - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

The WSCC highways condition on Vehicle parking and turning is considered to be reasonable but the cycle parking requirement is not. The garage proposed is of a size for up to 2 cars and as such could provide cycle parking.

POLICY CONTEXT

Designation applicable to site:

Built up area boundary.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN11	Inland Flooding
GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
ENV DM2	Pagham Harbour
ENV DM4	Protection of Trees

SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
T SP1 Transport and Development
W DM2 Flood Risk
WM DM1 Waste Management
W SP1 Water

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance
NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

PDS Pagham Parish Council's Village Design Statement by
PaghamPC

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, Modified - Arun Local Plan - January 2018 Consultation Version, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. 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. Consultation and a further examination in public has taken place. The examination was completed in September 2017. The Main Modifications have been amalgamated with the Arun District Local Plan 2011-2031 (Publication Version) October 2014 to form the 'Modified - Arun Local Plan (2011-2031) - January 2018 Consultation Version' which was out for public consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

In conclusion the emerging Local Plan, the 'Modified Arun Local Plan - January 2018 - Consultation Version', is at a very advanced stage and carries significant weight.

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. 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).

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site.

This work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

The following policy is considered to be relevant to this application but only insofar as the site is located within the built up area boundary:

Policy 1 "A Spatial Plan for the Parish":

"The Neighbourhood Plan directs development proposals within the Built Up Area Boundary, as shown on the Proposals Map, provided they accord with other provisions of the Neighbourhood Plan and development plan. Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policy in respect of the control of development in the countryside."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 principle of new dwellings on back land site is considered acceptable within the built up area boundary.

DESIGN AND VISUAL AMENITY

The property would not be directly visible from the street scene but obscure views would be possible. The scale and design of the bungalow is considered to be consistent with surrounding properties. The alteration of the roofs from hip end to a gable ends and the enlargement of the garage are not considered to be out of character given there are a significant number of the gable ended bungalow in the area and given the size of the plot and relationship to nearby dwellings. It is not considered that the garage enlargement is significant in terms of visual amenity and the street scene. Materials have not been specified so an condition requiring submission of details will be imposed.

NEIGHBOURING RESIDENTIAL AMENITY

The dwelling would not be large enough, even with the increase in size as a result of the gable end roofs and enlarged garage to result in loss of light or overshadowing to neighbouring gardens. Nor would there be any first floor level windows which would face over rear amenity space of neighbouring gardens.

The dwelling would be set significantly away from neighbouring properties and have an overall height of 6.1m to ridge. This is considered to be a modest size and the separation distances with other properties results in the proposal being acceptable in terms of impact on neighbour amenity.

Given any roof extension to the property could lead to overlooking/an overbearing impact on neighbouring gardens, a removal of PD condition for roof extensions and certain alterations will be attached. PD for outbuildings to the front of the dwelling will also be removed to protect the amenities of number 6.

HIGHWAYS SAFETY AND PARKING

Three spaces on the driveway are proposed which is in line with the WSCC parking standard guidance. Furthermore an enlarged attached garage is to be provided approx. 10 metres in length to accommodate 2 cars. WSCC have no objection to the turning space or access to the site for vehicles but have requested a condition for site parking and turning area to be completed before the dwelling is occupied. These conditions will be attached. Cycle parking can be provided within the proposed garage.

To protect the parking spaces to the front and the amenities of number 6, PD for outbuildings to the front of the building will be removed. The property does not front a highway so extensions to the front could be carried out under PD.

SURFACE WATER DRIANAGE AND FLOODING

The site is not within the Lidsey Catchment Area but is likely to have a historic drainage ditch located on the west boundary. As such, a condition will be attached which will protect the drainage ditch if discovered. No significant works are proposed on that side of the site and the ash tree is being retained.

PAGHAM HARBOUR PROTECTION

The site is very close to the protected Pagham Harbour. Applications for new dwellings are required to pay £871 per unit. This is to fund the protection of this site from the additional footfall new dwellings will generate. The applicant has submitted a signed Unilateral Undertaking and agreed to make the payment on commencement of works.

BINS AND WASTE

The bins and waste storage area is shown to be behind the proposed garage. However, this is too far for waste collectors to fetch the bins from the highway. As such a condition will be added requiring details of proposed bin storage and collection. There is space closer to the highway for the bins to be stored and residents could then either move the bins to the highway. Or come to an agreement with waste collectors to fetch the bins from within the site and leave them at the vehicles entrance.

TREES AND LANDSCAPING

The trees to be removed are not considered to add significant amenity value as they are not directly visible from the street scene. No additional landscaping is required. The planting of the garden can be left to the future occupants.

The application is recommended for conditional approval subject to the agreement of the S106.

HUMAN RIGHTS ACT

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

£871 has been agreed to be paid through a Unilateral Undertaking on commencement of works towards the protection of Pagham Harbour.

RECOMMENDATION

- 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;
- 1a of 3
2b of 3
3a of 3
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 3 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) 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, GEN9 and GEN11 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.
- 4 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.
- Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with Policy GEN7 of the Arun District Local Plan.
- 5 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the dwelling being occupied and retained in perpetuity.
- Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.
- 6 No development above damp proof course (DPC) level shall take place 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 building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.
- 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.
- 7 Notwithstanding the provisions of Classes A, B and C 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 roof extensions (including dormer windows) to the dwelling house shall be constructed 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the wall above ground floor level on the east elevation of the dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN7 and GEN12 of the Local Plan.

- 10 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.

- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Pagham Harbour Contribution of £871 to be paid to the council on commencement of development approved by this application on site.

- 12 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 13 INFORMATIVE:The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017 Protected species in implementing this planning permission you must have regard to Natural England's published Standing Advice on protected species.