Recommendation Report for Planning Permission

REF NO: WA/42/22/PL

LOCATION: Morelands
Arundel Road
Fontwell
Arundel
BN18 0SB

PROPOSAL: **Demolition of existing dwelling and erection of 5 No. residential dwellings, associated car parking and access. (Resubmission of WA/5/22/PL). This application is in CIL Zone 2 and is CIL Liable as new dwellings.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes a development of 5 no. detached, two-storey residential dwellings, with associated parking, access road and private gardens. The dwelling mix comprises 4no. 4-bed and 1no. 3-bed dwellings. The houses would be arranged around an access road running north to south through the site. One visitor parking space and a turning head for large vehicles including refuse trucks will be provided on the west side of the access road. All five houses have two allocated parking spaces. The proposed materials comprise brick and flint walling and half-timber decorative detailing, and clay tile roofs.
SITE AREA	0.3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	16 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedgerows and trees on the site boundaries have been retained.
SITE CHARACTERISTICS	The site contains a T-shaped bungalow, Morelands, with a pitched slate roof, which has a large garden containing several small outbuildings. The site has been recently cleared of trees and overgrown shrubs.
CHARACTER OF LOCALITY	Predominantly residential. The site is located to the rear of a large two-storey detached residential dwelling on the south side of the Arundel Road. The site accessed via a 70 metre-long driveway parallel to the Ridings. The Ridings and other residential dwellings on the south side of Arundel Road border the site to the north and north-east. The surroundings dwelling

are mainly 2 storey detached and semi-detached. The semi-detached units have long rear gardens.

The development would be bordered to the south, east and west by allotments, paddocks and orchards proposed as green space in connection with the 400 home Dandara development 'Land East of Fontwell'.

RELEVANT SITE HISTORY

WA/5/22/PL	Demolition of 1 No dwelling & erection of 5 No dwellings with associated car parking and access. This site is in CIL Zone 2 and is CIL Liable as new dwellings.	Withdrawn 18-03-22

REPRESENTATIONS

Walberton Parish Council - Objection.
Full information is required as per WSCC's objection.

5 Objections.
- The proposed site is not big enough. Two/three bedroom houses would be better.
- The number of parking spaces that have been allocated is insufficient.
- WSCC Highways are not happy with access and parking issues.
- There are reports that contradict themselves as one states the access track is to be blocked paved whereas other reports have concluded that the access track should be tarmac so that larger vehicles can gain access.
- An Ecology report has been submitted and states three Bat surveys must be conducted between May and August. This has been completely ignored and only two were carried out and the second was outside the timeframe.
- What is happening about drainage tests?
- Has the layout been designed from the public sewer.
- Concerns about light pollution so close to the National Park.
- The hedges around Morelands form a continuation of the wildlife corridor to the rear of Barnfield Cottages and should be retained.
- Applaud the installation of EV chargers but would also like to see solar panels/ tiles on roof.
- The design of the houses is an improvement on the last application.
- The access driveway is to be built to an adoptable standard and there is not the space for this and it will seriously affect the hedge that runs parallel to The Ridings private street.
- Do not believe the sewer system in Fontwell can take all this addition loading.

COMMENTS ON REPRESENTATIONS RECEIVED:

The outstanding highway information has been submitted and is acceptable.
The other comments are addressed in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Greenspace Officer - No Objection.

Details supplied within the Planting and Wildlife Enhancements Plan Dwg No 387-01-02 and the Landscape Layout Dwg 387-01-01 have proposed a suitable and comprehensive scheme of native and ornamental planting with a good mix of species indicating planting densities, quantities and size at time of planting.
Information on Biodiversity Net Gain will need to be provided. A Biodiversity Metric Report should be submitted demonstrating what will be included within the scheme and what level of net gain will be created from this.

County Highways - No Objection.
Conditions requested relating to access and turning.

Drainage Engineer - No Objection.
Pre commencement conditions suggested.

Southern Water - Comment.
The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Archaeology Officer - No Objection.
Condition requested.

Natural England - No Objection.

South Downs National Park Authority - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Lidsey Treatment Catchment Area
Archaeological Notification Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
SDSP2	SD SP2 Built-up Area Boundary

HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitagation
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 relevant policies in Walberton Neighbourhood Plan have been taken into account.

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 conflict with relevant Development Plan policies in that it would have an adverse effect on the character and visual amenities of the locality and would provide poor quality accommodation for future occupants.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. Despite the Council's lack of a 5 year housing land supply and that the proposals would trigger the NPPF's 'presumption in favour of sustainable development', the adverse impacts on character, visual and residential amenity of the proposed occupiers would significantly and demonstrably outweigh the benefits in this case, contrary to NPPF paragraph 11(d)(ii) and the relevant Development Plan policies.

CONCLUSIONS

PRINCIPLE

The site is in the Built-Up Area Boundary (BUAB), where the principle of development is acceptable, in accordance with policy SD SP2 of the Arun Local Plan (ALP) 2018, subject to consideration against other policies in the Local Plan covering such issues as visual amenity/character, residential amenity and parking. In this case, the key policies of the Arun Local Plan are D SP1, D DM1, D DM2 and T SP1 of the Arun Local Plan and Policies HP1, HP11, HP13, VE3 and VE7 of the Walberton Neighbourhood Development Plan.

Policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 sets out 15 aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 relates to internal space standards which take guidance from the Nationally Described Space Standards.

Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy ECC SP2 states that new residential dwellings are expected to be energy efficient and seeks to incorporate decentralised, renewal and low carbon energy supply systems to meet current standards.

Policies HP1, HP11 and HP13 of the Walberton Neighbourhood Development Plan (WANP) state that permission should be granted where applications accord with the relevant polices in the Neighbourhood Plan and that there should be no adverse impact on character or density. The proposal is not in compliance with these policies in that the proposal accords with the Development Plan only in so far as the location is concerned, other matters discussed below outline why the proposal is not compliant with Policy D DM1 of the ALP and policies HP 11 and HP 13 of WANP.

PLANNING BALANCE

The addition of 4 dwellings adding to housing in the District would be supported by housing supply policy H SP1 of the ALP.

Given the Council's 5-year Housing Land Supply position (currently 2.4 years), the tilted balance is triggered under paragraph 11(d) of the NPPF as in this case ALP policy SD SP2 is out of date as the BUAB's as currently designated are not able to supply the necessary amount of sustainable land to

accommodate a 5 year HLS in Arun. However, Para 11(d)(ii) of the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The provision of 5 dwellings, when applying the tilted balance in this case would result, for the reasons set out below, in a development that would bring about significant adverse visual and residential impacts. As a result, para. 11d) ii) applies in that the impacts of granting approval in this case would significantly and demonstrably outweigh the benefits of the scheme.

VISUAL IMPACTS

The area is characterised by linear residential development along Arundel Road and to the west. There is general uniformity to this continuous run of properties on Arundel Road with long relatively narrow rear gardens. The dwellings to the west have shorter but wider gardens. This spacious and linear arrangement defines this area, and the proposal would poorly relate to the established pattern of development in the area and the density of adjoining developments. The proposal relates to large, detached properties and 2 of them have very limited garden areas and appear cramped in relation to their plot sizes. This in turn causes unacceptable harm to the character and appearance of the area. Part P of Arun Design Guide refers to 'Backland' development and the requirement to 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. The proposal is not. The proposed dwellings are large family units with limited space around them and between them resulting in an over development of the site which adversely affects the character of the area and gives the units a dominating, not subservient appearance.

The addition of 5 new dwellings (following demolition of the existing bungalow) would fail to reflect the established general pattern and layout of development in the area, and the building lines and orientation of neighbouring properties. It would be read as an uncomfortable and cramped infill. The new buildings would thus fail to successfully integrate into the context in which they are located and its surroundings and would fail to reflect the local character of the area. The southerly unit is almost on the site boundary and despite the large side garden appears to dominate the depth. Whilst the site is tucked behind existing properties currently, once the development of 400 dwellings to the south is completed the proposed most southerly dwelling would be visible from outside the site and would appear prominent and incongruous within the adjacent open space context. It is also located immediately adjoining the access road/turning area with no set back at the site frontage. This harmfully increases its visual dominance within the development and does not allow for provision of any landscaping to reduce or soften this impact. The westerly unit has very little amenity area for a family dwelling and doesn't meet the 10m garden depth within Arun Design Guide. Its position on the plot appears cramped and contrived in relation to the plot size.

The proposals result in harm to the character and visual amenity of the area, in conflict with the NPPF, ALP policies D SP1 and D DM1 and policies HP 11 and HP 13 of Walberton Neighbourhood Plan which require to be appropriate to its location and that development should not have an advverse effect on the character and appearance of the area.

RESIDENTIAL AMENITY

The size and shape of the plot to the western part of the site and the position of the dwelling (dwelling B) within the plot adjacent to the western boundary result in a cramped and limited amenity space for the occupiers of the dwelling. The rear garden is 8.8m wide at its deepest point and this reduces to 1.3m in the southerly corner of the rear garden and the dwelling is located within the access road being surrounded on 3 sides by the road and turning area resulting in an satisfactory amenity area for the residents of this unit. The garden is limited in space and would be subject to noise from use of the roadway and the garden is tapered with a limited depth to half of the length reducing its ability to be

meaningfully used for recreation purposes by a family. Part P of Arun Design Guide refers to 'Backland' development and with regard to external space suggests developments should maintain usable and appropriate external amenity space for existing and proposed properties. Sizes will be mainly determined as per section H.04. It is advisable that the usable rear, external amenity space is at least the same size as the footprint of the property. This plot has a significantly smaller garden area than the building footprint and does meet this guidance.

The new buildings to the east of the site would have a gap to the rear boundaries of at least 10.5m and the northerly unit would be 2.3m from the neighbouring rear garden. These distances are sufficient to prevent any adverse impact on residential amenity. The southerly unit would be 2m from the southern boundary which faces onto the approved open space area and this separation distance would therefore be acceptable in terms of residential amenity.

The Arun Design Part H sets out separation distances for habitable rooms and the 'Front to Front' min. distance is 16m between habitable rooms of properties facing each other. This includes a 2m private front garden area. The proposed properties along the west and east boundaries facing each other do not meet these criteria. They have a separation distance of only 10.5m. The most southerly unit has no front garden area and fronts the parking/turning area with no set back. The lack of separation distance and the close proximity to site frontages would result in a sense of being 'hemmed in' and a degree of enclosure and overlooking on residents of these properties.

It is acknowledged that the side facing first-floor windows would be obscure glazed to avoid overlooking and there would be no harmful overlooking and/or perception of overlooking from the first floor rear windows towards the gardens and properties of neighbouring or proposed dwellings.

The proposals would fail to protect the residential amenity of proposed occupants, in conflict with ALP policies D DM1 and QE SP1 and Arun Design Guide.

INTERNAL & EXTERNAL STANDARDS:
Dwelling C would provide a 2-storey 3-bedroom homes, with a Gross Internal Area (GIA) of approximately 106sqm. This would exceed the minimal internal space standards set out in the Technical Housing Standards - Nationally Described Space Standards (2015) which is 84-102 sqm for a 2-storey 3-bedroom home. Buildings B and A would provide 2-storey 4-bedroom homes, with a GIA of approximately 106 and 126sqm. Again, these would meet and exceed the national internal space standards of 97-124sqm. The proposals would therefore accord with ALP policy D DM2 , which requires internal spaces to be of an appropriate size and that the national standards provide guidance.

There are no specific policies in the ALP or adopted guidance with regard external spaces. Paragraph H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

Each property would benefit from a rear /side garden, but not all the buildings would be set back 2m from the plot boundaries and not all would not have rear gardens with a depth over 10.5m. As discussed above Property B which is a 4-bed family home would have a garden depth of only 8.2m and sides onto the access road and although the southerly unit has a large side garden it would be only 2m from the rear boundary. These gardens are of insufficient for family dwellings and are not appropriate to serve 3 and 4 bed dwellings and would not be of a size, shape and orientation which would be easily usable and enjoyable. As such, the proposals would not accord with the guidance in the ADC Design SPD or policy QE SP1 of Arun Local Plan which requires all development to contribute positively to the quality of the environment.

HIGHWAYS

Currently vehicles can access the site from Arundel Road via The Ridings. The access will be widened to a minimum of 3.5m. It is also proposed to improve the radii on the east side of the access. The Local Highway Authority (LHA), WSCC Highways, have been consulted on the proposals and raise no objection on highways safety grounds, parking nor the impact on the operation/capacity of the highway network.

The car parking requirement for a development of this size would be a total of 14 parking spaces (2 per 3 bed and 3 per 4 bed), and 1 visitor space in accordance with the ADC Parking SPD. The proposals would provide 11 parking spaces to serve the dwellings, a shortfall of 4 parking spaces. However, this in itself is not considered to be sufficiently significant and harmful to on-street parking pressures to form a reason for refusal, and the LHA have no objection. However, the lack of space within the site for adequate car parking provision is an indicator of over development of the site. In accordance with WSCC and ADC cycle parking standards set out for new residential developments, a provision of 2 cycle parking spaces will be provided for each house. These will be provided in stores in the garden of each property If the Council were minded to grant planning permission, planning conditions could be applied requiring plans and details of Electric Vehicle Charging Point provision, and car and cycle parking to be constructed as per the approved plans.

As such, the proposals would accord with paragraphs 106, 108 and 109 of the NPPF, policies T SP1 and T DM1 of the ALP.

TREES

The site has been cleared of many trees so that those that remain are located along the site boundaries. An Arboricultural Implications Assessment has been supplied. This identifies a total of 29 individual trees and linear groups/hedges, ranging from young, self-seeded Field Maple and planted hedging of less than 15 years of age, through to mature overgrown Hawthorn hedge elements of up to 100 years of age. Most of the trees/groups represent hedging elements or have self-seeded within hedge alignments over time. T16 Common Oak is a developing feature tree with long term potential. The developing Ash T1 and T23 are considered to have only a short-term presence as early signs of Ash Dieback. No trees require removal for the proposed redevelopment to proceed and no tree RPAs are compromised by any of the proposed five-unit footprints. Compliance with RPAs could be conditioned and to ensure fencing and ground protection measures are installed adequately prior to commencement of development, and for development to be undertaken in strict accordance with the Arboricultural Assessment.

In the event of the Council being minded to grant permission, these conditions would be applied, to ensure the development adequately protected trees and local visual amenity, in accordance with policy ENV DM4 of the ALP.

ECOLOGY

A Preliminary Ecological Appraisal (Oct 2021) was submitted. The Council's Ecologist has not responded, but the survey identified no protected species would be adversely affected subject to appropriate mitigation and enhancement. With imposition of appropriate conditions controlling external lighting scheme to protect bats, protection for badgers, wild nesting birds, and securing net biodiversity gains as set out in the landscape plan the proposal would accord with policy ENV DM5 of Arun Local Plan which seeks to achieve biodiversity net gain and policy VE 8 of Walberton Neighbourhood which seeks to control lighting within the village.

In the event of the Council being minded to grant permission, these conditions would be applied, to ensure the development would adequately protect local wildlife and protected species and enhance biodiversity, in accordance with the Environment Bill, NPPF and policy ENV DM5 of the ALP.

WASTE PROVISION
In order to accord with ALP policy WM DM1 if the Council were minded to grant planning permission, a planning condition would be applied requiring a minimum of 2 bins (1 for refuse and 1 for recycling) of 240l each to be provided within the garages to serve each property.

DRAINAGE
The site is in Flood Zone 1 (low risk of flooding) but is in the Lidsey Waste Water Treatment Catchment Area, where surface water drainage is an issue and SUDs must be carefully considered and designed. The Council's Drainage Engineers have been consulted and raise no objection, subject to a condition and informative requiring infiltration rates for drainage structures to be based on winter testing and requiring that full details of the surface water drainage scheme be submitted to and approved by the LPA prior to commencement of development.

In the event of the Council being minded to grant permission, this condition and informative would be applied, to ensure the development would be adequately drained and would not increase flood risk on site or elsewhere, in accordance with the NPPF, ALP polices W DM2 and W DM3 and WANP policy VE7.

OPEN SPACE
Given the size of the development (5 dwellings), there would be no requirement or trigger for the provision of Public Open Space or Play on site. CIL monies would need to be sought for recreation and leisure facilities as detailed in the ADC SPD Open Space, Playing Pitches, Indoor and Built Facilities (January 2020).

If the Council were minded to grant approval of the application, then a Landscape Scheme detailing soft landscaping and planting would be required, and a planning condition added accordingly.

ENERGY EFFCIENCY
The application has not considered energy efficient and low carbon energy supply measures and it is believed that there is an opportunity on site to provide energy saving technology. It is felt that this could enhance the quality of life for the proposed occupants and future proof the development, an opportunity which must be taken. Whilst it is not the remit of development control to stipulate which measures are suitable for a site, it could be conditioned (if the scheme was otherwise acceptable) that the applicant provide a statement of Energy and Climate Change Mitigation Measures and how the proposed development intends to meet current standards and future proof the development.

Currently the development does not accord with Policy ECC SP2 of the Arun Local Plan. However, as stated this could be addressed by way of condition.

CONCLUSION
As set out above Para 11(d)(ii) of the NPPF is triggered in relation to the planning balance in this case and the adverse impacts identified above are such that the scheme is unacceptable.

The application is therefore 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.

CIL DETAILS

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

RECOMMENDATION

REFUSE

1 By reason of the number, siting and size of the dwellings and the limited area and configuration of the site the proposal appears cramped within the plot, represents overdevelopment of the site, and would fail to reflect the established general pattern and layout of development in the area. The proposal results in harm to the visual amenity and character of the area, in conflict with the NPPF, Arun Local Plan policies D SP1 and D DM1 and policies HP 11 and HP 13 of the Walberton Neighbourhood Plan and Arun Design Guide. The adverse visual impacts would significantly and demonstrably outweigh any benefits of the proposal.

2 By reason of the size and short length of the gardens of the southerly and western units and the lack of separation between the front elevation of the dwellings to the east and west boundaries the proposal would adversely impact the residential amenities of proposed occupiers in conflict with the NPPF and Arun Local Plan policies D DM1 and QE SP1 and Arun Design Guide.

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 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 reasons for the refusal, approval has not been possible.