

Recommendation Report for Outline Consent

REF NO: AB/115/14/OUT

LOCATION: 12 & 14 Canada Road
Arundel

PROPOSAL: Outline application with some matters reserved for 2No. 3 bed semi detached houses

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 500 square metres.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	The land slopes significantly down towards the road from north to south.
TREES	A number of semi-mature trees will be removed through this proposal on the western half of the site but none of these are of any significance to warrant any special retention.
BOUNDARY TREATMENT	Conifer hedging extends along the eastern and western boundaries at approximately 2m in height. Wooden picket fencing at approximately 1m in height along the middle dividing boundary with trees over 3m in height.
SITE CHARACTERISTICS	The land is currently vacant and has been divided into two east/west by a wooden picket fence. To the east, the land is laid to lawn. To the west, there are a number of semi-mature trees.
CHARACTER OF LOCALITY	Predominantly residential in character, there are mainly two storey semi-detached properties in the area. There is a communal green and associated car park to the south.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Arundel Town Council

Objection.

Out of keeping with the character of the area and not in line with the Neighbourhood or Local

report

Plan.

18 letters of objection.

- *The houses do not fit in with the style of the area, that being open plan.
- *The new properties would sit in front of the old ones spoiling the residents' enjoyment of their homes and gardens and blocking light from their rooms.
- *Garden grabbing at its worst.
- *Problems with parking and it is difficult to park on the road in the evenings and weekends. The parking survey does not reflect the actual situation and notice it was completed in the summer holidays when people were away. The survey should be reassessed.
- *The new houses will be at the same level or slightly higher than the adjacent houses impeding the views from nos. 2 and 4.
- *Does not comply with the Arundel Neighbourhood Plan which identifies a number of areas in the town for new development (including affordable housing). Canada Road is not one of these areas.
- *The proposal should meet the parking requirements of policy GEN12 of the Arun District Local Plan.
- *The development would destroy the open plan and leave the existing properties facing back gardens.
- *The proposed houses appear larger, particularly in width, than the existing houses and this design would be out of keeping with the area.
- *The site is not within the three sites listed in the Arundel Neighbourhood Plan as suitable for housing development.
- *The properties of nos. 2 and 4 actually sit lower than the proposed development and will therefore not benefit from utilising the slope of the site and will be consequently overbearing.
- *According to policy GEN12, a three bedroom house is required to have a parking space for a minimum of 2 cars where possible and this development does not provide sufficient space.
- *Concern about ground stability as subsidence is already a concern in the area due to natural springs.
- *Concern that the proposed development removes the centre path and makes no provision for access to nos. 12 and 14, should the residents of nos. 10 and 16 block the path between the respective houses.
- *Loss of wildlife as the front garden of no. 12 is heavily planted.
- *Small plot and not designed to be built on.
- *Dwellings will be intrusive and feel hemmed in.
- *The development would cause disruption to elderly residents and need a clear and open access to our properties.
- *As Arundel Ward Member, object on the basis of over-development and changing the character of the area.
- *Devalue existing properties and could set a precedent for similar proposals elsewhere in Arundel.
- *WSCC Highways Officer has not made a site visit and only conducted a desk top survey. In the summer, the road becomes a rat run for cars using the A27 and there will be no passing points along the whole length of road. Request a site visit from WSCC Highways Officer.
- *The 'parking bays' are on Housing land, as confirmed by the Housing department.
- *Cramped form of development which would be detrimental to the character and amenities of the area.

5 letters of support

- *Deals with a shortage of affordable family homes within Arundel and this is a good use of land, currently underused and without encroaching on greenfield sites.
- *The majority of houses on Canada Road are paired semi's with double alleyway access

between. The application proposes two similar dwellings with the extra space of adjacent garden frontage both sides and should not unduly affect the existing properties.

* The construction of 2no. 3 bed semi is in keeping with the surrounding area.

*This development would incur a sizeable contribution to affordable housing under a S106 agreement.

*It is a sympathetic design which will create a pleasant urban enclave, enhancing surrounding properties.

*Although parking has increased over the years, there is enough parking available for two houses without causing any congestion.

*Arundel's Neighbourhood Plan includes extra houses needed for the town and this will fall in line with the requirements without taking up new land.

Comments on Representations received:

Comments noted. Property devaluation is not a material planning consideration.

CONSULTATIONS

Economic Regeneration

Engineering Services Manager

Engineers (structural)

Engineers (Fluvial Flooding)

WSCC Strategic Planning

Consultations responses received:

West Sussex County Council Highways

No objection.

Pre-application advice was sought from WSCC on Highway matters earlier this year. It was advised that the proposal would be unlikely to result in a material increase in vehicular activity that could be a detriment to the local highway network. The proposal will have a nil parking provision, therefore there will be no direct access onto the highway. A parking survey has been undertaken in accordance with the previous advice set out in the pre-application talks, this gives a useful indication of on-street parking levels; it is not considered that this proposal would have an adverse effect on on-street parking in the area. The proposal would also not be anticipated to generate a significant increase in vehicle movements and the peak usage times would not be expected to coincide with peak traffic levels in this area. If the LPA are minded to approve this application, a condition securing cycle parking and a construction management plan should be included.

Neighbourhood Housing Officer

Objection. There should be no parking on land to the south of the site as this is designated Housing land. Arranging for small wooden markers to be moved to show this.

Drainage Engineers

Comment.

The applicant states that surface water will be discharged to a soakaway. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Structural Engineers

Comment.

There is little information of a structural nature to actually comment on as there are no elevations etc. However considering it would be a new build the majority of structural requirements/comments would be made at Building Regulation stage. However, it is

recommended that a site investigation is carried out due to the varying subsoil conditions in the road so that suitable foundation and drainage requirements can be designed.

Comments on Consultation responses:

Comments noted. In response to the Neighbourhood Housing Officer, the comment about parking to the south is resolved due to WSCC Highways having no objection to the on-street parking arrangements. Appropriate conditions and Informatives will be applied to the recommendation in order to incorporate comments from Engineers.

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN12](#)

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

Built-up Area Boundary
The Form of New Development
Parking in New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
H SP2 Affordable Housing
T SP1 Transport and Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

ADS The Arundel Design Statement by Arundel Town Council

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local

Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton.

There are no policies considered relevant from the Arundel Neighbourhood Plan.

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 a materially adverse effect on the visual amenities of the locality and the residential amenities of the adjoining properties and 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 within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is mainly considered to be policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks outline planning permission to erect 2no. 3 bed semi-detached dwellings

with the design, layout and access matters reserved.

The 2no. dwellings will be situated in the front gardens of nos. 12 and 14 Canada Road. The gardens forming the application site and neighbouring gardens on either side are physically divided by a footpath that encircles the site. Despite this visual break, the front gardens of nos. 10-16 nevertheless form an important visual buffer and create breathing space to the development around its three sides. This results in a distinctive and open character for the existing development.

The introduction of residential properties in this location is considered to harmfully destroy this character and open plan layout. It would result in unacceptably eroding front garden land to the harmful detriment of the prevailing character and appearance of the residential enclosure. The gardens of the proposed dwellings would also have 1.8m high fencing which would further create subdivision of the existing greenspace to the harmful detriment of visual amenities.

The number and layout of the proposed properties in the front gardens of nos. 12 and 14 Canada Road would amount to unacceptable cramming of development on their respective plots which would appear out of character with its surroundings.

The proposal is therefore considered unacceptable in design terms and conflicts with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The 2no. dwellings are situated immediately next to adjoining front gardens of nos. 10 and 16 Canada Road.

There has been significant Town Council and local objection to the scheme with particular concerns regarding loss of outlook for adjoining properties. It is agreed the proposed development would cause unacceptable loss of outlook particularly for nos. 4, 6, 8, 10, 12, 14 and 16 Canada Road. The proposed development would therefore be unneighbourly and harmful to residential amenities for surrounding properties.

It is therefore considered unacceptable in residential amenity terms and conflicts with policy GEN7(iv) of the Arun District Local Plan.

INTERNAL SPACE STANDARDS (POLICY D DM2, EMERGING LOCAL PLAN)

The room sizes of the properties and whether these meet the Internal Space Standards are withheld at the Reserved Matters stage.

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

The 2no. dwellings meet the External Space Standards in having rear garden depths exceeding the required 10m and 85 sq m in area.

PARKING

There has been no objection from the Highways department at West Sussex County Council. Despite the lack of any parking provision on the site, a parking survey has been undertaken to provide an indication of on-street parking levels. It is considered that the proposal would not have an adverse effect on on-street parking in the area or generate a significant increase in vehicle movements and the peak usage times would not be expected to coincide with peak traffic levels in

the area. With suitable conditions securing cycle parking and a construction management plan, the proposal is acceptable in highways terms and complies with policies GEN12 of the Arun District Local Plan.

AFFORDABLE HOUSING (S106 UNILATERAL UNDERTAKING)

National planning policy guidance has changed from 1 December 2014 to exempt developments of 10 homes or fewer, with less than 1,000 square metres of floor space, from planning obligations imposing contributions towards affordable housing. This affects the way Council operates its Affordable housing policy with immediate effect.

Therefore, since the proposed residential development is for less than 10 units, there is no requirement for S106 Unilateral Undertaking.

However, due to the harmful effects relating to design and residential amenity, it is therefore recommended that the application be refused 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 private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal 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, a neutral impact has 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.

RECOMMENDATION

REFUSE

- 1 The proposed dwellings by reason of their siting within the existing front garden areas of no. 12 and no. 14 Canada Road would be harmful to the spacious open plan layout appearing cramped and contrived contrary to policy GEN7(ii) of the Arun District Local Plan and policies D SP1 and D DM1 of the Emerging Local Plan and the National Planning Policy Framework.

- 2 The proposed dwellings by reason of their siting would result in an unacceptable loss of outlook and would constitute an unneighbourly form of development for surrounding properties harmful to the residential amenities of occupiers in conflict with policy GEN7(iv) of the Arun District Local Plan and the National Planning Policy Framework.
- 3 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 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.