

Recommendation Report for Planning Permission

REF NO:	AB/17/18/PL
LOCATION:	3 Torton Hill Road Arundel BN18 9HF
PROPOSAL:	Construction of 1 No. three bedroom dwelling on land adjacent to 3 Torton Hill Road Arundel and associated works

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	A two storey 3 bed detached dwelling is proposed. It will be built of multi facing bricks with contrasting plinth, string course, quoins and window edgings with tile hanging at first floor, Details of the colour and texture of the material have not been provided. It will be 7.5 m wide, 9.5 m deep, 4.8 m to the eaves and 7.2 m to the ridge which will be between 1.5 -1.2 m lower than the houses on either side. It will have a projecting gable on the front as do the houses on either side. The roof will be plain tiles with bonnet hips. The distance between the side elevations of the proposed house and the house to the north east (Seldon House) and south-west (3 Torton Hill Road) will be 3 and 5 m respectively. The rear window on the east side of the south elevation at first floor serving the master bedroom will have a Juliet balcony. There will be windows at first floor on both the south-west and north-east elevations serving bathrooms. The existing boundary treatments on the north-east, south-east and north west boundaries will be retained and a new brick retaining wall with timber fence will be erected on the south-west boundary. There will be a gravel drive with brick edging on the north east accessing the highway between the existing trees on the highway verge with space to park one car and leading to an attached single garage with cycle and refuge storage behind.
SITE AREA	0.03 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	33
TOPOGRAPHY	The site is located on a slope. The land rises from the north east to the south west
TREES	None of any significance affected by the proposed

BOUNDARY TREATMENT	development. There is a brick retaining wall with a timber fence above on the north-east, timber fence to south-east boundary, hedge to north-west boundary
SITE CHARACTERISTICS	The application site is part of the side garden of number 3 Torton Road. It is rectangular in shape and mainly laid to lawn and planted with shrubs and trees. The existing dwelling is brick with cream render at first floor with 4 secondary windows in the side elevation, Seldon House on the north-east side of the application site is also a two storey dwelling with one principal window in the south west elevation and a conservatory at the rear.
CHARACTER OF LOCALITY	Torton Hill Road is a tree lined avenue which rises up to the south west just south of the A27 roundabout leading to Arundel town centre. The area is residential in character with detached two storey dwellings of varying designs set back from the road, many with tile hanging at first floor and the majority with hipped roofs.

RELEVANT SITE HISTORY

PAA/143/17/	Erection of 1No. dwelling.	Approve Pre App 13-10-17
AB/82/12/	New 3 bed detached house with on-site parking & new vehicular crossover. Resubmission of AB/2/12	App Cond with S106 12-12-12

Planning permission has been granted for a a new dwelling on a similar footprint and recent pre-application advice has confirmed the proposal is acceptable in policy terms.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council
no objection

COMMENTS ON REPRESENTATIONS RECEIVED:

noted

CONSULTATIONS

Southern Water Planning
Engineers (Drainage)

Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

-Southern Water have advised on the proximity of the sewer and the need for details relating to SUDS

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and appropriate condition and informative added.

POLICY CONTEXT

Within the built up area.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

Publication Version of the Local Plan (October 2014):

SD SP2	Built -Up Area Boundary
D SP1	Design
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
W DM3	Sustainable Urban Drainage Systems

<u>Arundel Neighbourhood Plan 2014 POLICY1:</u>	The Presumption in Favour of Sustainable Development
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Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage 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 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication

Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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).

The Arundel Neighbourhood Plan has been made and the relevant policies considered in determining 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 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 site is located within the built up area boundary, in an established residential area within walking distance of shops and services. Moreover, planning permission has previously been given for a similar proposal. Therefore the application is acceptable in principle and complies with policies GEN2 of the Arun District Local Plan, policy SD SP2 of the emerging Arun Local Plan 2011-2031 and policies 1 and 2 of the Arundel Neighbourhood Plan.

VISUAL AMENITY AND THE CHARACTER OF THE AREA

The size of the plot, the positioning and the spacing of the house with its neighbours, and the size and design of the building will retain the character of the street scene. As the land slopes from north to south and west to east a survey of the finished levels is required to ensure the building does not exceed the height shown on the approved plans. Details of the colour and texture of the material have not been provided therefore a condition to require the submission of such details is proposed.

Whilst the amenity area is small it is comparable to that of Selden House to the north-east and the remaining amenity space for number 3 to the south-west.

RESIDENTIAL AMENITY

There is a conservatory at the rear and a principal window in the side elevation of Selden House but as there is a gap of 5 metres and an existing vegetation screen, and having regard to the orientation, the development will not significantly reduce the outlook from or light available to that window or the conservatory. The first floor windows proposed in the side elevation of the dwelling serve bathrooms and can be conditioned to prevent overlooking.

As such the proposal complies with policy GEN7 of the Arun District Local Plan and policies D DM1, D DM2 and D DM3 of the Arun Local Plan 2011-2031.

Pedestrian and vehicular access is available off Torton Hill Road and two parking spaces are available with adequate space for cycle and refuse storage in compliance with policies GEN7 and GEN12 of the Arun District Local Plan.

COUNTY HIGHWAYS

There has been no response from County Highways to this application but in view of the highway comments in respect of application AB/17/18/PL for a broadly similar proposal the same conditions are proposed in respect of the access.

CONCLUSION

The proposed dwelling is considered to be in keeping with the character of the immediate area and will not have unacceptable impact on the residential amenity of neighbouring residents. Permission is therefore recommended subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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: 17103 00.01A, 17103 02.01, 17103 02.02, 17103 02.03, 17103 02.04

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 No development above slab level shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Prior to the commencement of the development hereby approved a detailed site level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there

shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre commencement condition to ensure that the resultant building does not exceed the height shown on the approved plans in the interest of visual amenity.

- 5 The windows on the side elevations of the building at first floor level shall be glazed with obscured glass and fixed to be permanently non-opening up to 1.7m above finished floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 6 The access to the proposed dwelling shall not exceed 3m in width and shall be laid out to provide pedestrian visibility splays of 2 metres on each side of the access at which point any proposed planting to be, and maintained, no higher than 0.6m above ground level in order to safeguard the visibility splays. The driveway area and car parking spaces to be constructed in a bound material and that suitable drainage methods are installed to prevent surface water running onto the public highway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan. Local Plan.

- 7 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.

- 8 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.