

Recommendation Report for Planning Permission

REF NO: AB/37/17/PL

LOCATION: Tahrah
Maxwell Road
Arundel

PROPOSAL: Demolition of existing dwelling & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the demolition of the existing dwellinghouse and the erection of 1 no. replacement dwelling.

SITE AREA

N/A

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The boundaries of the site consist of a mixture of fencing of various height and planting.

SITE CHARACTERISTICS

The application site comprises a detached single storey dwelling with gardens to the front and rear. The site features a gradual incline from south-east to north-west and measures approximately 0.05 hectares in size.

CHARACTER OF LOCALITY

The northern side of Ford Road in this location is well developed whilst immediately adjacent to the application site the land is undeveloped. The application site is part of a residential street comprising a mixed character with semi-detached and detached properties of primarily 1 and 2 storeys set in small/medium plots set back from the highway with gardens to front and rear within a semi rural environment.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Environment Agency

Consultations responses received:

Below is a summary of consultation responses received. Full comments are available on the Arun District Council website at www.arun.gov.uk.

Southern Water:

- From the submitted plans it is not clear whether the existing foundations will be retained, in particular those running parallel to the existing public foul sewer.
- It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- Informative also included.

Environment Agency:

- As the proposed development is a replacement of an existing dwelling and a betterment on finished floor levels will be provided (435mm above the existing floor levels) we have no objection to the proposal.
- Condition and informative requested relating to accordance of development with Flood Risk Assessment.

Comments on Consultation responses:

Comments noted and condition and informatives included in recommendation.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV19](#)
[GEN2](#)
[GEN7](#)

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

Extensions to existing residential buildings
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary
W DM2 Flood Risk

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: 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 but there are considered to be no relevant policies in the determination of 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 application site is situated within the built up area boundary where the principle of the development is acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application are considered to be GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed replacement dwelling will differ in design from the original with the property featuring a predominantly flat roof with a dual pitches roof located centrally. The proposal will be more modern in design and will feature different materials including weatherboarding. The materials proposed are not considered to have an unacceptably adverse impact upon the established character of the locality. However, a condition has been included with this recommendation requiring the submission of a schedule of materials prior to the commencement of development at the site.

The proposed dwelling will exceed the maximum height of the existing dwellinghouse by approximately 1m. The site is well screened by the existing hedgerow and boundary planting and

as such it is considered that this increase in height of the dwelling will not have an unacceptably adverse impact upon the established spatial pattern or character of the street scene.

Therefore, the proposed development is considered to accord with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed replacement dwelling will be situated in a similar position to that of the existing house and will feature a similar floor area. The ridge of the dwelling will be situated further from the eastern boundary of the site and as such will have a lesser impact upon the residential amenity of neighbouring property than that of the existing dwellinghouse.

The proposed dwelling by virtue of its design and location is not considered to give rise to any unacceptably adverse overlooking, overbearing or overshadowing impacts upon the residential amenity of neighbouring properties. Therefore, the proposal is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

The proposed dwelling will have a gross internal floor area of approximately 113.41m² exceeding the requirements of the nationally described space standards. The proposal will retain the existing garden and as such it is considered that the proposed development will not have an unacceptably adverse impact upon the residential amenity of existing or future occupiers in accordance with paragraph 17 of the NPPF.

FLOOD RISK

The application site is situated within flood zone 3 and as such is vulnerable to flooding. The proposal has been prepared in consultation with the Environment Agency with the floor level being raised by 435mm in order to resist a 1 in 1000 flood event.

A consultation response has been received with no objection being raised by the Environment Agency in relation to the proposed development as it will constitute an improvement on the existing dwelling in terms of flood risk. A condition relating to the Flood Risk Assessment has been included with the recommendation report at the request of the EA.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

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 for 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 no impacts have been identified upon any 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;

- Location and Site Plan - AB 13
- Ground Floor Plan as Proposed - AB 1
- Roof Plan - AB 2
- Southern Elevation as Proposed - AB 3
- Eastern Elevation as Proposed - AB 4
- Northern Elevation as Proposed - AB 5
- Western Elevation as Proposed - AB 6
- Section A-A as Proposed - AB 7
- Section B-B as Proposed - AB 8
- Section C-C as Proposed - AB 9
- Section D-D as Proposed - AB 10
- Section E-E as Proposed - AB 11
- Section F-F as Proposed - AB 12

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 damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof 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/extension.

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

- 4 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) 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 and GEN9 of the Arun District Council Local Plan.

- 5 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.

- 6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2017) and the following mitigation measure detailed within the FRA:

- Finished floor levels are set no lower than 3.390m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF.

- 7 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.

- 8 INFORMATIVE: The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan; and that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation should be

undertaken with Building Control in determining if flood proofing measures are effective.