

REPORT UPDATE

Application No: AB/39/18/PL

Reason for the Update / Changes

Reason for Update/Changes: The acting agent has highlighted a number of facts to support the issue of Parking provision.

Officers Comment:

Note:

- 1. The 6 space we are providing are not all allocated to the new houses. As shown on the schedule of accommodation on the site plan there will be one allocated space to each new house and 3 spaces re-provided as general parking.
- 2. Top of page 129 states '19 spaces are marked out with lines'. There are no markings at all and parking is informal and adhoc. 19 is the maximum number of cars that could be accommodated if they were all parked efficiently.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: AB/39/18/PL

LOCATION: Land adjacent to
30 Ellis Close
Arundel
BN18 9LG

PROPOSAL: Erection of 3 No. 2 bedroom dwellings with associated parking & landscape.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed three dwellings will each have two bedrooms and be suitable for occupation by up to 4 people. Each will have its own rear gardens with cycle storage shed, space for storage of bins and two parking spaces each. The dwellings will be 5m to the eaves and 9.5m to the ridge to a depth of 8.5m. The footprint of the terrace would be sited 1.5m forward of the building line of the neighbouring dwellings to the West.
SITE AREA	0.062 ha.
RESIDENTIAL DEVELOPMENT DENSITY	48 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.

TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fencing would surround the garden curtilage of the site.
SITE CHARACTERISTICS	Existing hardstanding parking court accessed from Ellis close. The parking spaces are marked out with white lines. The parking area/site is in the ownership of Arun District Council.
CHARACTER OF LOCALITY	Predominantly residential. Mainly two storey semi-detached, and terrace properties. To the south, the site shares a boundary with the side of the rear gardens with no.30 & 28 Pearson Road, whilst the most eastern boundary would cover the rear gardens serving rear of The Mustchin Foundation.

RELEVANT SITE HISTORY

AB/111/82	Outline - Erection Of 20 - Two Storey 3/4 Person 2/3 Bedroom Terraced Houses For Rental With 34 Car Parking Spaces	ApproveConditionally 29-09-82
-----------	--	----------------------------------

The application site was part of the development for 20 dwellings granted in 1982 and incorporated an unallocated car parking area (the site) allowing for spaces to serve the surrounding residential development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Arundel Town Council

No objection.

13 letters of objections were raised 4 householders raised two objections per household, covering the following issues:

- (1) Impact on those residents surrounding the site, by virtue of overlooking, overshadowing;
- (2) Loss of existing parking spaces, the area is often full of cars;
- (3) Displacing parking elsewhere will create pedestrian safety issues; and
- (4) No longer would the access to Ellis Close be considered acceptable and safe for emergency vehicles.

COMMENTS ON REPRESENTATIONS RECEIVED:

All issues raised by objectors will be considered within the report's conclusions.

CONSULTATIONS

Estates Manager

Engineering Services Manager

Engineers (Drainage)
Parks and Landscapes
Arboriculturist
WSSC Strategic Planning
Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSSC HIGHWAYS - No objections subject to condition. No evidence to suggest that the new dwellings would exacerbate an existing safety concern. The proposed parking provision for the dwellings complies with the West Sussex Parking Demand Calculator. There is no concern with the re-use of the existing parking area and there is plenty of capacity in respect of unallocated parking spaces on nearby streets. It is not considered that there are any highway safety issues with the parking arrangements. Turning for cars and fire/refuse vehicles is possible within the layout.

ADC DRAINAGE ENGINEERS - Please apply standard condition. Soakaways must be investigated for surface water disposal (winter months).

ADC GREENSPACE - No objection subject to the early implementation of any new planted areas and to be undertaken within the first season post completion.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. It is not necessary to impose the WSSC Highways requested cycle storage condition in full as the applicant has already provided details of these buildings and the location of these within each plot. The condition will instead be worded so as to ensure that these are provided in accordance with the approved details and permanently maintained thereafter.

POLICY CONTEXT

Designations applicable to site:
Within Built Up Area Boundary;
Class D Road;
PD Restriction/Open Plan Condition.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality

WDM3 W DM3 Sustainable Urban Drainage Systems

<u>Arundel Neighbourhood Plan 2014 POLICY1:</u>	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY 3:	Housing Supply
Arundel Neighbourhood Plan 2014 POLICY 6:	Transport, Access & Car Parking

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 2011-31, West Sussex County Council's Waste and Minerals Plans 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 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.

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 relevant policies of the Arundel Neighbouring Plan are considered within this report.

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 lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, 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.

Arundel Neighbourhood Development Plan (ANP) policies 1, 2 & 3, are all relevant. Policy 1 highlights the presumption in favour of sustainable development where proposals that are in accordance with the development plan will be approved and Policy 2 refers to the parish spatial plan where it directs the requirement for housing to be located within the town of Arundel. Policy 3 supports windfall site allocations. Projecting actual dwellings completions, which may result in delivery of a higher number of dwellings, will be refined on a site by site basis as detailed design schemes are prepared.

It is considered that the proposal is an acceptable density and that the scheme does not represent overdevelopment. There are many examples of two storey dwellings in the immediate area making the proposed buildings acceptable in terms of design and appearance and, therefore, in keeping with the character & appearance of the locality.

It is considered that the proposal complies with ALP policies D DM1 & D SP1 and with ANP policies 1,2 & 3.

PARKING & HIGHWAY SAFETY:

Local residents have expressed concern regarding the loss of existing parking spaces and the impact of car parking displaced from the site on the safety of local roads.

Arun Local Plan 2011-2031 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. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy 6 of the ANP (vi) refers to a parking strategy developed for Arundel to manage car parking spaces for residents and visitors. Arundel Town Council has not alerted officers of any formulated parking strategy so as to enable them to assess how it impacts on this proposal. The officers also consider that the policy supports proposals to promote walking, cycling and use of public transport. As a site within the envelope of the built up area boundary the scheme is supported by the availability of public transport in close proximity and has all the needed day to day facilities within safe walking/cycling distance. Cycle storage per dwelling is supported and also in line with policy 6.

The site is currently used for informal car parking by local residents. Although the 19 spaces are marked out with lines the current arrangement is unallocated and is occupied on a first come, first serve basis. The applicant has submitted a Parking Demand and Capacity Report which states that a maximum of 19 cars were recorded as being parked on the site during the survey period. The application proposes to part replace the lost parking with 6 allocated spaces. This results in 13 cars being displaced to surrounding roads.

The application has been assessed by WSCC Highways who have carefully checked the submitted documents and who consider that there is a more than adequate amount of existing on-street parking spaces in the vicinity of the site. Furthermore, Highways consider that two proposed parking spaces for each dwelling complies with the parking demand calculator.

It should also be noted that this site is Council owned and although the site has been open to local people for a number of years, none of the local residents have a legal right to a parking space on the site.

Although residents will experience change to their parking arrangements in that they may have to walk slightly further to park their cars, it is not considered that this change will be detrimental to their amenity or to their safety. It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with Policy 6 of the ANP.

A condition will be imposed to ensure that cycle storage is also provided.

RESIDENTIAL AMENITY:

Local residents have expressed concern regarding the impact of the proposal on surrounding residents.

Arun Local Plan 2011-2031 policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Regard should be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

There is no unacceptable loss of privacy to existing properties. The nearest dwelling no.30 Pearson Road, when measured from window to window is approx. 34m, an acceptable separating distance to prevent unacceptable overlooking/loss of privacy. The siting of the proposed dwellings have been carefully designed to mitigate any further harm to the detriment of neighbouring occupiers. The scheme distance to boundaries of existing development is considered acceptable. A 1.2m boundary distance is retained between no.30 Ellis Close and house no.1, whilst 1m between the side elevation of the proposed house no.3 and the shared boundary with The Mustchin Foundation premises to the east of the site.

It is therefore considered that the proposal is in accordance with policy D DM1 of the ALP.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the two houses are suitable for residential use.

The three houses have the same floor area and internal layout; 2 storey, 2 bedroom, for 4 person occupation. As such, the required space standard is 70m². The proposed floor area for each is 93.5m² and therefore all dwellings are in accordance with the standards.

ALP policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. At approximately a length of 10m the dwellings are considered to provide an acceptable amount of outside garden area.

SUMMARY:

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following 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 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

Drawing 16/021 10 Rev P2 "Location Plan & Proposed Site Plan"; and
Drawing 16/021 11 Rev P1 "Proposed Plans & Elevations and Site Section".
Drawing 16/021 12 Rev P2 "Site Plan - Highways Information"

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan 2011-2031.

- 3 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works;
- b. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- c. the parking of vehicles of site operatives and visitors;
- d. loading and unloading of plant and materials;
- e. storage of plant and materials used in constructing the development;

f. measures to control the emission of dust and dirt during construction.

Reason: In order to protect the amenity and living conditions of neighbouring properties in accordance with policies D DM1, T SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to work starting.

- 4 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 5 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 6 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 roofs of the proposed semi-detached residential 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 character and appearance of the area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 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: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. 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. Supplementary guidance notes are also available on request.
- 9 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.