

Recommendation Report for Planning Permission

REF NO: AL/45/14/PL

LOCATION: Land rear of Swan Court
Pine Close
Westergate

PROPOSAL: Erection of 3 No. Detached Dwellings (Plots 1-3 and car port serving Plot 4)
(Part alternative to AL/69/10 and AL/89/10)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application follows previous approvals for 4 dwellings to be constructed on Pine Close, approved in 2010. The permission has not lapsed as development has already been begun. The current plans represent a variation of the approved applications which are as follows:-

PLOT 1:

- * Moving the dwelling away from the southern boundary shared with plot 2 so that it will now not be attached to the garage on the neighbouring site.
- * Removal of single-storey family/dining room projection to the rear elevation.
- * repositioning of chimney.
- * Addition of first and second floor windows on the side (southern) elevation.

PLOT 2:

- * Removal of porch to front and repositioning of front door to side (southern) elevation.
- * Repositioning of chimney.
- * Various changes to fenestrations including addition of first and second floor windows to side elevations.
- * Removal of single-storey projection to the rear.

PLOT 3:

- * Minor two-storey projection to front, with inclusion of bay window at ground floor level.
- * Increase in size of car port.
- * Repositioning of front door and porch.

- * Repositioning of windows to side and rear.
- * Additional bedroom with the property now having four bedrooms rather than the three approved under AL/89/10.

PLOT 4:

- * Increase in size of car port, which will now be attached to the side elevation of the dwelling.

SITE AREA	Approximately 0.16 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 19 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are several trees on site covered by a TPO but none affected by the proposed development.
BOUNDARY TREATMENT	The site is currently closed off with heras fencing.
SITE CHARACTERISTICS	The site has been cleared in preparation for building works.
CHARACTER OF LOCALITY	Residential, semi-rural location, with rural land to the rear. Houses surrounding the site are red brick with tiled roofs. Bungalows opposite. Millions Manor Farmhouse adjacent to the Homestead is a Listed Building.

RELEVANT SITE HISTORY

AL/23/06/	Proposed development for 4 new houses, 8 new flats. (Resubmission of AL/128/05/)	Approved Cond + S106 29-06-2006
AL/50/08/	Car parking layout, garage and bin store (amendments to development previously approved under application AL/23/06)	ApproveConditionally 03-09-2008
AL/69/10/	Erection of 1 No. detached dwelling (Plot 3) (Part alternative to permission AL/95/09/)	ApproveConditionally 10-09-2010
AL/89/10/	Erection of 4 no. detached dwellings (Plots 1-4) (Part alternative to permission AL/23/06) (Resubmission of AL/95/09)	ApproveConditionally 08-10-2010

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

WSCC Strategic Planning

Arboriculturist

Consultations responses received:

WSCC HIGHWAYS: The site will utilise an existing access onto the A29 Westergate Street which is subject to a 30 mph speed limit in this location. As the site accesses onto a residential road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. Visibility splays have been provided on the attached plan, the proposed visibility splays, taken from a setback of 2.4m, are acceptable. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking particularly during peak movement time.

The proposal will in essence result in an extension of Pine Close to serve the development. The access road will take the form of a 5metre wide shared surface arrangement. This is considered suitable as this will be a low speed, low traffic environment. A total of 9 car parking spaces will be provided on site. This provision has been considered against the WSCC Parking Demand Calculator. The proposed provision does exceed the requirement generated by way of the PDC.

Refuse collection will take place from within the site. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement. There has not been a swept path analysis diagram showing how a larger vehicle including a refuse vehicle can safely turn within the site. This does need to be provided.

The planning statement does consider access to services by other non-car modes. Barnham train station nearby and there are regular bus services that connect to the station, Bognor and Chichester. There are continuous footways for pedestrians along Westergate Street and whilst cyclists would have to use the carriageway, traffic conditions are not considered such to dissuade trips by this mode. Residents would have a realistic means to travel other than by the private car.

Based on the submitted information no concerns would be raised with this application from the highway point of view. If the LPA are minded to approve this application a condition securing car parking, cycle parking and turning should be included.

WSCC ECOLOGY: There are no ecological objections to the proposed development as presented subject to conditions being imposed upon the permission should the LPA be minded to approve. Notably, the site has been cleared already; there is no indication of whether or not the resident and protected reptile population was translocated first. Conditions recommended.

ADC ENGINEERS: Engineers have appraised the submitted drainage information and conclude that: "I've seen all of the required plans and the proposed surface water system should be sufficient to meet our requirements". Recommend that a condition is attached to ensure that the drainage scheme be implemented in accordance with the submitted plans.

Comments on Consultation responses:

Noted. The layout of the road has already been approved under previous applications. One of

report

the conditions required by WSCC Ecology cannot be applied as development of the site has already commenced.

POLICY CONTEXT

Within Built-Up Area;
Class A Road;
Tree Preservation Order; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

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
	DEV17	Affordable Housing
Publication Version of the Local Plan (October 2014):	D DM1 Aspects of Form and Design Quality	
	D DM2 Internal Space Standards	
	D DM3 External Space Standards	
	D SP1 Design	
	ECC SP2 Energy and Climate Change Mitigation	
	H SP2 Affordable Housing	
	ENV DM4 Protection of Trees	
	ENV DM5 Development and Biodiversity	
	SD SP2 Built-Up Area Boundary	

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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; Felpham.

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

The principle of development on this site has been established under approved planning references AL/23/06, AL/50/08, AL/69/10 and AL/89/10. The current application represents amendments to the size and appearance of the approved dwellings.

It is considered that the alterations in the appearance and size of the dwellings are not of a scale that will substantially alter the overall character and appearance of the development as a whole. The dwellings will all now possess four bedrooms and be of comparable size, ensuring that none appear overbearing towards the other.

The addition of the fourth bedroom within the dwelling occupying Plot 3 has been achieved without resulting in a bedroom that is not in accordance with the Council's internal space standards and, as such, the increase in the number of rooms is considered to be acceptable.

Any views from the proposed new windows at ground floor level towards neighbouring could be interrupted by boundary treatment of up to 2 metres in height which could be installed on site

boundaries. All new windows in side elevations above ground floor level will be obscurely glazed and will therefore not present an opportunity for invasive levels of overlooking.

It is therefore recommended that the application is approved, 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 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 it has been determined that its approval would result in a neutral impact 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

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:

1643/L01 "Location Plan";
1643/01 Rev C "Site Layout";
1643/02 Rev C "Proposed Plans Plot 1";
1643/03 "Proposed Elevations Plot 1";
1643/04 Rev C "Proposed Plans Plot 2";
1643/05 "Proposed Elevations Plot 2";

1643/06 Rev C "Proposed Plans Plot 3";
1643/07 "Proposed Elevations Plot 3"
1643/10 Rev A "Proposed Site Elevation (North)";
1643/11 "Proposed Site Elevation" (Through Plots 1-4 & Through Flats & Plot 2);
1643/12 "Proposed Site Elevation" (Plots 1-4);
1643/13 "Double Garage Plot 1";
"Trial Hole Location Plan & Details" Ref 20 Rev P1;
"Private Engineering Layout" Ref 6902(A1)110 Rev P3;
"Reject/Rubble Filled Soakaway Assessment to BRE Digest 365" Ref 8849 TSA1 Rev 0;
"Reject/Rubble Filled Soakaway Assessment to BRE Digest 365" Ref 8849 TSA2 Rev 3;
"Drainage" Ref 300 Rev P3; and
"G_archive_Archived Data_Archived Data_fa017000 - fa017999_fa017900 - fa017999_fa017971_CAD_TEMP_X Reference_6902 Surv_ins Model (1)".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 None of the dwellings hereby permitted shall be occupied until secure provision for cycle storage has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall thereafter be used only for the storage of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the storage of cycles in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 4 The proposed surface water drainage scheme shall be implemented in accordance with the approved plans namely "Trial Hole Location Plan & Details" Ref 20 Rev P1; "Private Engineering Layout" Ref 6902(A1)110 Rev P3; "Reject/Rubble Filled Soakaway Assessment to BRE Digest 365" Ref 8849 TSA1 Rev 0; "Reject/Rubble Filled Soakaway Assessment to BRE Digest 365" Ref 8849 TSA2 Rev 3; "Drainage" Ref 300 Rev P3; and "G_archive_Archived Data_Archived Data_fa017000 - fa017999_fa017900 - fa017999_fa017971_CAD_TEMP_X Reference_6902 Surv_ins Model (1)". No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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 applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Once calculated, all trees which are being retained must be protected by a static, vertical barrier that clearly defines any given tree's root protection area.

Reason: To ensure that trees protected by a Tree Preservation Order are not damaged

as the trees are an important feature of the area in accordance with Arun District Local Plan policy GEN7.

- 7 No removal of hedgerows or trees shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. However, any vegetation containing occupied nests must be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

Reason: In the interests of wildlife protection and biodiversity in accordance with NPPF 118

- 8 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 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.
- 9 INFORMATIVE: Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990 pertaining to an commuted sum to be paid towards affordable housing provision within the District.