

Recommendation Report for Planning Permission**REF NO:** **AW/123/14/PL****LOCATION:** Former St Michaels and all Angels Church
 Queens Fields East
 Aldwick**PROPOSAL:** Application for the variation of Condition 2 (plans) following a grant of planning permission AW/295/10/**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

The changes are entirely internal and essentially remodel the upper floor rooms to suit the previously amended and approved elevations. The proposals result in 8 new en-suite bathrooms (with 4 across the 3 bed houses & 4 across the 2 bed houses) and a slight decrease in the size of bedroom 1 in the 2 bedroom houses.

SITE AREA

0.23 hectares (no change from AW/295/10).

RESIDENTIAL DEVELOPMENT DENSITY (NET)

44 dwellings per hectare (no change from AW/295/10).

TOPOGRAPHY

Predominantly flat.

TREES

A Tree covered by a Tree Preservation Order is on the western boundary.

BOUNDARY TREATMENT

Currently enclosed by temporary Heras style fencing.

SITE CHARACTERISTICS

Currently a building site enclosed by temporary fencing and containing plant & equipment associated with the implementation of the houses as approved by AW/295/10.

CHARACTER OF LOCALITY

A mixture of bungalows in Queens Field East & houses in Queens Field West. Shopping precinct with flats above to the side of the site and a community hall to the rear.

RELEVANT SITE HISTORY

AW/23/09/	Internal and external alterations. Construction of new mezzanine floor	ApproveConditionally 18-05-2009
AW/295/10/	Demolition of existing church and erection of 10 No. New terraced houses with associated	Refused

car parking and landscaping

09-03-2011 *Appealed***Appeal:
Allowed+Conditions
21 07 2011**

AW/39/12/DOC	Application for approval of details reserved by conditions 3, 7 & 8 relating to planning approval on appeal AW/295/10/	DOC Approved 11-04-2012	
AW/198/13/NMA	Application for a non material amendment following a grant of planning approval AW/295/10/ for amendments to the approved elevations	Approve 10-10-2013	
AW/199/13/DOC	Application for discharge of condition 3 of previously approved planning application AW/295/10 - materials	DOC Approved 11-10-2013	
AW/340/13/	Application for the variation of condition 2 following a grant of planning permission AW/295/10/ to increase the number of bedrooms within each unit by 1	Refused 12-03-2014	<i>Appealed</i>
AW/139/14/PL	Application for the variation of Condition 2 following a grant of planning permisison AW/295/10/ to show 6 No additional parking spaces.	ApproveConditionally 15-07-2014	

AW/295/10 was granted on appeal and allowed for the erection of 10 no. new terraced houses with associated car parking and landscaping. There have been two applications submitted so far to discharge the conditions relating to materials (03), hard & soft landscaping (07) and protected species (08). A non-material amendment application was submitted in August 2013 and sought to amend the elevations approved by AW/295/10. This was granted in October 2013.

Application ref AW/340/13 was submitted in December 2013 and sought to vary the plans condition in respect of the approved floor plans so as to increase the number of bedrooms in each dwelling. This was refused in March 2014 and an appeal is currently with the Planning Inspectorate. The application the subject of this report has been submitted in part response to that refusal.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - "Members have no objection to the application. However, members request that the application documents be amended to delete the line '4 bedrooms' from the plans."

Comments on Representations received:

Comments noted. A substitute plan (P102 Rev A) has been received.

CONSULTATIONS

WSSC Strategic Planning

Southern Water Planning

Consultations responses received:

WSCC Highways - "WSCC has been consulted on the above planning application for the variation of condition 2, to allow for the substitution of internal plans to show a revised internal layout. The revised layout does not impact on the number of bedrooms the dwellings will provide, and as such does not change the impact the development will have in regard to any highway safety or capacity issues. WSCC raise no objection."

Southern Water - no objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area;
Tree Preservation Order; and
Open Plan Condition.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN2](#)
[GEN7](#)
[GEN9](#)

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage

[Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections \(February 2014\):](#)

D DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
SD SP2 Built -Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication

at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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).

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

PROPOSAL, PRINCIPLE & PLANNING HISTORY

This application proposes an amendment to the previous approved scheme but only in respect of changes to the upper floors of 8 of the dwellings resulting in 8 new en-suite bathrooms. There are no external changes to the building. The changes are being made in order to ensure that the internal layout matches with the proposed external treatment.

This site is within the built up area boundary and has an approved planning permission for 10 houses. The principle of the development is not considered to be in doubt and since there are no external changes and no increase in density (i.e. no of people per dwelling), the only relevant issues are considered to be the impact on foul drainage and whether the scheme complies with the internal space standards policy in the Emerging Local Plan.

FOUL DRAINAGE

The proposal results in the creation of 8 new en-suite bathrooms. As a result, there is the potential for an intensification of toilet use over and above the current approved scheme. However, 8 extra toilets is not considered to be significant and Southern Water have not raised any objections or stated that there are any issues with the existing sewer system.

INTERNAL SPACE STANDARDS

Aside from the small decrease in the size of bedroom 1 in the 2 bed houses (to accommodate an en-suite to serve that room) there are no significant changes to the amount of internal space. Indeed, the essential general internal floor area remains the same. It is not considered that the changes are unacceptable.

It is therefore recommended that planning permission is granted subject to the following new plans condition and the two informatives.

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 approved shall be carried out in accordance with the following approved plans:

Site Location Plan P100; and
Proposed Floor Plans - P102 Rev A Substitution 12/05/2014 -this replaces that approved by AW/295/10.

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.

- 2 INFORMATIVE: All of the conditions imposed by the planning inspector on AW/295/10 shall remain in force except for condition 02 which is part amended by this permission and which was also party amended by AW/139/14/PL.
- 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 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.