

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: BR/153/17/RES

LOCATION: 3 Southdown Road
Bognor Regis

PROPOSAL: Application for approval of reserved matters following outline approval BR/84/16/OUT relating to appearance & landscaping

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The appearance is not dissimilar to that shown on the indicative front elevation submitted with application BR/84/16/OUT and comprises two, 2 storey, semi-detached dwellings with bay windows to front (ground & first) of 8.2m to the ridge & 5m to the eaves. The dwellings will have yellow brick walls with concrete tiles. The Landscape scheme includes two new trees and several shrubs.

SITE AREA

0.06 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

Approximately 33 dwellings per hectare.

TOPOGRAPHY

Predominantly flat

TREES

A couple of medium sized trees (close to the boundary with 3 Southdown Road) one of which is a young Willow. The application proposes to retain one of these. There is a large tree in the rear garden of 18 Southover Road and another medium sized tree on highway land to the front of 18 Southover Road. There are some small trees in other parts of 3 Southdown Road's garden.

BOUNDARY TREATMENT

- * 2.5m high wall to the boundary with Southover Road, 18 Southover Road, 13 Burnham Avenue & the rears of properties fronting Burnham Avenue;
- * 1.8m high close boarded fence to no. 5 Southdown Road;
- * 1.8m high close boarded fence to no. 3 Southdown Road; and
- * 1.8m high close boarded fence to the side of 15 Burnham Avenue.

SITE CHARACTERISTICS

Part of the existing curtilage to 3 Southdown Road but has been separated from that

property by a fence which currently runs almost the length of the site boundary. The site is grassed lawn with a footpath across it and some planted beds. There is an access from Burnham Avenue between 13 and 15 which leads to a car port and garage structure.

CHARACTER OF LOCALITY

Residential area characterised by two storey terraced houses on Southover Road & nos. 3-13 Burnham Avenue, semi-detached houses at 15-27 Burnham Avenue and predominantly detached dwellings with large gardens in Southdown Road. 1 and 3 Southdown Road are particularly large plots. There is unrestricted on-street parking in Burnham Avenue but spaces are limited.

The following was noted in respect of neighbouring properties:

- * 3 Southdown Road (to the west) - Principal windows to both rear & side elevations;
- * 5 Southdown Road (to the southwest) - Principal windows to the rear elevation;
- * 13 Burnham Avenue (to the north) - Principal windows to the rear elevation;
- * 15 Burnham Avenue (to the north) - Principal windows to the rear elevation;
- * 18 Southover Road (to the east) - One flank facing first floor bathroom window and one rear facing first floor bedroom window located on the flank; and
- * 9 Southover Road (to the southeast) - No flank facing windows.

RELEVANT SITE HISTORY

BR/291/15/OUT	Outline application with some matters reserved for construction of a terrace of 3 No. 2-bed dwellings & associated works	Withdrawn 16-03-2016	
BR/84/16/OUT	Outline application with some matters reserved for construction of 2 No. 3-bed dwellings & associated works (resubmission following BR/291/15/OUT).	Refused 16-06-2016	<i>Appealed</i> Appeal: Allowed+Conditions 30 01 2017
BR/237/16/OUT	Outline application for construction of 1 no. detached dwelling & associated works	App Cond with S106	

04-01-2017

This reserved matters application follows the successful appeal of application BR/84/16/OUT for two semi-detached dwellings.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

"No objection"

One letter from the occupier of 18 Southdown Road stating that: "The original submission showed bay windows to the ground floor but flat or flush windows to the first floor. This application shows bay windows to both floors on the front elevation This would result in a total loss of privacy in our back garden. I do not see that the upper bay windows are necessary from an aesthetic perspective but they would represent an unjustifiable intrusion into our privacy and enjoyment."

Comments on Representations received:

Although bay windows were shown at both ground & first floor on application BR/84/16/OUT, the applicant has agreed to obscure glaze the east facing window panes of the first floor bay window. This is considered to resolve the objection.

CONSULTATIONS

Arboriculturist

Parks and Landscapes

Consultations responses received:

ADC LANDSCAPE OFFICER - Advises that the landscape scheme is acceptable and therefore the landscaping reserved matter is agreed.

ADC TREE OFFICER - Consider that the tree protection measures are adequate. Request a condition to ensure that the ground protection measures are 'fit for purpose' and to allow these to be checked on site.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA13	Sites of International Importance for Nature Conservation
	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):		D DM1 Aspects of Form and Design Quality

D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM2 Pagham Harbour
H DM1 Housing Mix
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

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 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 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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 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).

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 principle of development has already been established by virtue of the outline planning permission, reference BR/84/16/OUT which also approved the development scale, its layout and the means of access. It is therefore only necessary to consider the outstanding details - those of appearance and landscaping. In addition, although external space standards were considered at the outline stage (as they related to the site layout), it was not possible to assess internal space and this will be considered in this determination.

APPEARANCE:

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

The applicant previously provided illustrative front elevation drawings which suggested a pair of two storey, semi-detached dwellings with front bay windows at ground & first floors. The elevation drawings now supplied do not make any significant deviation to this concept. The rear elevation has windows flush with the walls. No flank windows are proposed. These details are considered to be acceptable.

The height of the building is also the same as previously shown and is therefore broadly consistent with the height of the terraced dwellings of Southover Road to the east. In respect of materials, the application drawings state that yellow bricks will be used in combination with red brick courses. However, as there are no other instances of yellow brick in the area (being predominantly brown brick or white/cream render), it is considered appropriate to impose a condition requiring separate approval of materials details.

It is therefore considered that with the exception of materials (to be considered post-decision), the proposal is in accordance with the relevant development plan policies.

INTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a two storey, 3 bedroom, 4 person dwelling is 84m² and the proposal offers 89m² of internal space. Therefore the scheme complies with the standards.

LANDSCAPING:

The applicant has supplied a Landscaping plan detailing the planting of new trees and shrubs. This has been agreed with the Councils Landscape Officer and therefore complies with the requirements of the reserved matters application. The Councils Tree Officer has also considered the proposed tree protection measures but raises no objection subject to a condition to ensure that the ground protection measures are 'fit for purpose' and to allow these to be checked on site.

CONCLUSION:

There are no concerns raised with the reserved matters submission and it is recommended that planning permission be granted subject to the following additional conditions (none of which are pre-commencement) alongside those conditions already imposed on BR/84/16/OUT).

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.

SECTION 106 DETAILS

A Section 106 Agreement relating to the Pagham Harbour Access Management contribution (£2550) formed part of the outline planning decision (as allowed on appeal).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

DPA-01 Rev 01 "Proposed Location, Site, Floor Plans and Elevations";
1022-5300 "Landscape Proposals & Planting Plan"; and
1022-5400 "Tree Protection Plan".

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.

- 2 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such 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 and 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 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.

- 3 The proposed ground protection measures will need to be in compliance with section 6.2.3.3 (b) of BS5837. Following the erection of the ground protection measures, the Councils Arboriculturist must be contacted in order that a site visit can be made together with the developers Landscape Architect in order to check the quality of the protective fencing and ground protection measures - and that it is all 'fit for purpose'

On completion of all building works and the removal of machinery from the site, the ground protection measures will need to be lifted in order to facilitate construction of the agreed porous 'No Dig' Golpla cellular confinement system over the CellWeb sub-base layer all filled with washed gravel.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 4 In accordance with drawing DPA-01 Rev 01, the two east facing window panes of the bay window to the first floor bedroom within the eastern dwelling shall at all times be glazed with obscured glass.

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

- 5 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.