

PLANNING APPLICATION REPORT**REF NO:** EG/56/09/**LOCATION:** Hunters Chase
Fontwell Avenue
Eastergate**PROPOSAL:** Renewal of unimplemented planning permission EG/85/06 for residential alterations to garage & house under planning permission EG/33/06 & new vehicular access**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	This application is a resubmission of a previously approved application EG/33/06, EG/85/09 and EG/61/07.
SITE AREA	0.245 hectares
RESIDENTIAL DEVELOPMENT DENSITY	4 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fencing around the site.
SITE CHARACTERISTICS	Modern bungalow with a substantial garden. Red brick with plain red tile roof. Rear dormer window.
CHARACTER OF LOCALITY	Predominantly residential. Town houses to the rear. Office in the adjacent chalet.

RELEVANT SITE HISTORY

EG/55/04/	Replacement dwelling with additional summer room and double car barn (Amendment to EG/79/03)	Approve Cond 16-07-2004
EG/116/04/	Change of use to tourist accommodation comprising 3 no. one bed apartments.	Approve Cond 28-01-2005
EG/33/06/	Alterations to house & garage approved under planning permission EG/55/04 and formation of new vehicular access.	Approve Cond 27-06-2006
EG/85/06/	Residential, alterations to garage & house under planning permission EG/33/06 and formation of new vehicular access.	Approve Cond 22-11-2006
EG/61/07/	Change of use from dwelling to B1 offices and relocation of vehicular access	Approve Cond 08-11-2007

REPRESENTATIONS**Representations received:**

Eastergate Parish Council

None

Comments on Representations received:

None

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary

Class A Road

PDR - no alterations to garage and summer room

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPH6	Making Better Use of the Existing Stock
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN31	Contaminated Land

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS23	Planning and Pollution Control

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.

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 outside the built up area boundary where development is normally not permitted unless it is necessary for the needs of agriculture. However a material consideration is the previous approval EG/33/06 is amended by EG/85/06.

As the site lies outside the built-up area boundary development must be sensitive to the countryside location. This application is a resubmission of a previous approval EG/33/06 and is for a new dwelling, garage and office in the side garden, retention of existing bungalow as B1 offices (EG/61/07) and creation of a new access and demolition of swimming pool.

There has been no significant change in policy since the last application that would result in a decision other than previously.

VISUAL AMENITY:

The design of the proposed dwelling is considered to be well designed suitable for this location.

RESIDENTIAL AMENITY:

It is considered that the proposal would not result in any significant loss of residential amenity of neighbouring properties. The dwelling is sited 22m from the nearest dwelling in Holmdale. It is approximately 13m from the existing bungalow to the front of the dwelling, but there is no potential direct overlooking due to the orientation and the fact that approval has been granted for the existing bungalow to be changed to a B1 use.

HIGHWAY SAFETY:

The proposed new access arrangements onto Fontwell Avenue have been previously approved under application EG/85/06 and EG/61/07 where the County Highways raised no objections. Therefore it is not considered that the proposal would result in any significantly detrimental effects on highway safety.

SUMMARY:

There are no significant changes in policy or other considerations to determine the application other than in accordance with the previous approvals. Therefore it is recommended that the application is approved subject to the following conditions.

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.

- 2 No development shall be carried out 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 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 by endeavouring to achieve a building of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 No development approved by this planning permission shall be commenced until:

(a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

(b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assesment to be undertaken relating to the potential impact of land contamination, and;
- refinement of the Conceptual Model, and;
- the development of a Method Statement detailing the remediation requirements.

(c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

(d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To protect the environment and prevent harm to human health.

- 4 Development of the site will be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health.

- 5 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an addendum to the Method

Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health.

- 6 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. If appropriate, future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: In order to prevent pollution of the water environment in accordance with policy GEN7 of the Arun District Local Plan.

- 8 Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

Reason: To prevent pollution of controlled waters.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the garages and summer room shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 10 The accommodation above the garage hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the new dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 11 The building hereby permitted shall not be occupied until all accesses to the site from Fontwell Avenue other than hereby approved have been stopped up permanently and obliterated.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 12 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 13 The access shall be laid out to provide visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be with sight lines defined by:-

- (a) A line 2.4 metres long measured along the centre line of the proposed access from the line of the nearer edge of the carriageway of Fontwell Avenue.
- (b) Lines 120 metres long on each side of the access measured along the nearer edge of the carriageway of Fontwell Avenue, from their intersection with the centre line of the proposed access.
- (c) The straight lines joining the termination of the above lines.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 14 This permission relates to the following approved plans; drawing 08 rev G and drawing 09 revG.

Reason: For the avoidance of doubt.

- 15 **INFORMATIVE:** The building shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Local Planning Authority. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

- 16 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that (the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character)and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: H5

LOCAL PLAN: GEN3, GEN7, GEN31

NATIONAL POLICIES: PPS1, PPS3, PPG13,

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.