Recommendation Report for Planning Permission

REF NO: **EP/111/12/**

LOCATION: 45 The Ridings and 60-62 Sea Lane
East Preston

PROPOSAL: Demolish 1 house (60 Sea Lane); partially demolish 1 house (45 The Ridings); construct 3 detached houses; alterations and extensions (45 The Ridings)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to partial demolition of the two storey extension on the southern side of 45 The Ridings and the provision of an additional dwelling in the side garden and demolition of 60 Sea Lane and construction of a replacement dwelling and provision of a new dwelling on the plot to the south at 62 Sea Lane. The 3 dwellings would be 2 storeys high, detached and of individual design. The application therefore represents the net gain of 2 additional 5 bedroom dwellings. The application also includes extensions to 45 The Ridings to replace the lost floor space with an extension on the north side behind the existing garage and to the front.
SITE AREA	0.41 hectares
RESIDENTIAL DEVELOPMENT DEN	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Domestic fencing and hedging to site boundaries. The site at 62 Sea Lane has 1.8m high close boarded fencing along the site frontage.
SITE CHARACTERISTICS	The site is currently occupied by 2 detached 2 storey dwellings of individual design. Both 45 The Ridings and Sea Lane have white painted elevations and plain tile roofs.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying design in medium and large size plots which are set back from the site frontage.

RELEVANT SITE HISTORY

EP/128/03/	Renewal of unimplemented outline planning permission EP/80/00/ for one dwelling house and garage	Approve Conditionaly 19-12-2003
EP/150/09/	Renewal of unimplemented planning permission EP/157/06 for one dwelling and garage	Approve Conditionaly 29-01-2010
EP/74/53	House and garage	Approve Conditionaly 08-01-1954
EP/81/84	Erection of 6ft fence to Sea Lane with double entrance for access by pedestrians only	Approve 13-06-1984
EP/11/86	Renewal of unimplemented permission EP/36/83	Approve Conditionaly 10-03-1986

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection - Modern design is out of keeping with 1930's style dwellings. Properties would be significantly larger than others in the locality. Detrimental impact on visual amenity. Poor design does not complement its surroundings.
Overbearing roof heights and bulk of proposed dwelling and amended dwelling in The Ridings. Insufficient car parking contrary to East Preston Village Design Statement.Concern parking will occur on the road.
Ever increasing development is reducing drainage across the area. Following two flood events in Sea Lane in 2012 now wary of impact of new development.
Concerns regarding noise and disturbance from construction traffic.

Willowhayne Residents Association- Objection. Insufficient consideration given to surface water flooding. Access to the site from Sea Lane and The Ridings would be difficult for construction traffic and cause disruption and nuisance to residents. Would like to see conditions imposed relating to construction traffic, adequate parking, washing down construction traffic on site, retention of hedge until development is complete, restriction on hours of construction and demolition works and minimising of dust and noise.

East Preston and Kingston Preservation Society - Objection on grounds of excessive height, inadequate car parking and inappropriate materials.

24 letters of objection - Inadequate car parking. Design not in keeping, will add to congestion in Sea Lane, area is prone to flooding, drainage is an issue, need for effecrtive drainage is crucial. Pre site visit should be made. Site is in a flood risk area it has previously flooded. Half of the site is vacant not as stated on the forms. 4 residential properties are proposed not 3. Properties are too high and too large. Would be an upheaval in terms of noise, dust traffic. Properties in the Ridings date from 1930s not 2000s. Village Design Statement states large gardens should be retained and new development should not clash as is the case. Out of character. There is no basis for the demolition of 60 Sea Lane. Would look into lounge and dining room windows opposite in The Ridings. The proposed dwelling at 62 Sea Lane will have a bedroom window facing onto an existing bathroom at 64 Sea Lane.

1 letter of support
Ample on site parking is proposed. 2 additional houses will not really increase flooding in the area. Work is about to begin at the southern end of Sea Lane to resolve the flooding. Third storey of 45 The Ridings is actually a small single attic store room situated in the roof which doesn't really create a second floor. The development is imaginative and sustainable. It utilises 2 obvious existing building plots. Helps to reduce the pressure for development elsewhere. It also improves the housing stock in East Preston by other alterations and improvements to the existing house in The Ridings.

Comments on Representations received:

Comments on Parish Council representation
The height of the proposed dwellings has been reduced and is acceptable. County Highways and the Council's Engineers have no objection to the proposal in terms of drainage or highway safety. Adequate on site parking is provided. Noise and dust from construction traffic cannot be controlled by condition, but can be dealt with by Environmental Health legislation.

Comments on other letters of representation
The design of the properties is considered acceptable. The dwellings in the area date from the 1930s with some relatively recent infills so the design is not inappropriate. Overlooking of the front elevation of properties opposite would not result in material harm given the distances involved and that the front of the dwelling faces onto a road already where privacy would not be expected. The roof light at second floor would not result in a material loss of privacy to adjoining properties. Conditions requested by Resident's Association can largely be controlled by Environmental Health powers. Wheel washing would be controlled by other legislation. Overlooking of a bathroom would not cause a material loss of privacy. The plot sizes would be comparable with others in the locality and would not damage the character of the area. The total net number of new dwellings is 2.

CONSULTATIONS

Southern Water Planning
Environment Agency
WSCC Strategic Planning
Engineering Services Manager
Engineers (structural)
Engineers (Fluvial Flooding)
WSCC Strategic Planning
WSCC Strategic Planning

Consultations responses received:

Southern Water - No objection a formal application for any new connection to the public sewer will be required. An informative is requested in this respect.

County Highways - First Consultation - There is an apparent shortfall in required visibility at the 4 points of access onto Sea Lane. Clarification of the full extent of visibility is required.
Second Consultation - Visibility for Unit 2 is improved, but tuning area has been lost. A swept path analysis diagram should be submitted together with a revised plan.

Second consultation - It has been noted that substitute plans have been submitted with an improved visibility splay for unit 2 on Sea Lane. Whilst this modified access does improve the visibility to the required standards the dwelling has now lost the required turning area to enable vehicles to enter and egress the site in a forward gear. Therefore a further modified plan is

required to be submitted for the Highway Authority s approval. A swept path analysis diagram is requested to be submitted at the same time.

Environment Agency - No objection

Council's Engineers - It is noted that surface water will be disposed to a Sustainable Urban Drainage System. Imposition of a Standard condition is suggested.

Comments on Consultation responses:

Comments noted. County Highways have been re-consulted with regard to the submission of revised plans to address visibility requirements and their revised comments are awaited.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	DEV19	Extensions to existing residential buildings

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

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

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

In accordance with paragraphs 214 of the NPPF, the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan Policies GEN7 and DEV19 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

SITE HISTORY
Since 1983 permission has been granted and renewed for development of one dwelling on the site adjacent to 60 Sea Lane. The most recent being EP/150/09.

VISUAL AMENITY AND CHARACTER OF THE AREA
The area is characterised by detached dwellings on relatively large plots. The size of the plots and rear gardens would be readily comparable with the neighbouring properties and the development would be in keeping with the general pattern of development and would not appear cramped. Indeed the plot in Sea Lane has had development of one house previously approved and the site in The Ridings has the appearance of a double plot with a large side garden.
The design of the proposed dwellings is considered acceptable given that large 2 storey houses are characteristic of the area. The height of the proposed dwelling and the extended dwelling in The Ridings have been reduced by the agent. The ridge height of the new dwelling has been lowered by 1.2 metres, so that it is now only approximately 0.5 metres higher than the neighbouring dwelling to the south. All the new dwellings would retain space to the site boundaries and would have a garage and parking facilities. They would be set back from the site frontage in a similar position to adjoining properties and would reflect elements of design that are characteristic of the area.
The site lies within Character Area 1 of the East Preston Village Design Statement and the proposal accords with this guidance. The design and height would be in harmony, there would be no unacceptable adverse impact on neighbours and the existing density is repected. Parking should be in garages or at the rear and the proposal includes a garage for each dwelling.

RESIDENTIAL AMENITY
The proposed dwellings would be set in from site boundaries by a minimumum of 4 metres in Sea

Lane and 6 metres in The Ridings and these distances combined with the eaves height of 4.8 metres would ensure there would be no adverse overbearing effect on the residential amenities of the adjoining dwellings. With regard to overlooking the window serving bedroom 5 at first floor in the side elevation of unit 2 and unit 3 is conditioned to be obscure glazed below 1.7 metres and there are no other first floor windows proposed in the side elevations other than a bathroom window in unit 1 which would also be obscure glazed. A condition controlling extensions and alterations is recommended.

EXTENSION TO 45 THE RIDINGS
The proposal includes an extension to the north side of the dwelling behind the garage and an attic room on the front elevation and would be no closer to the boundary than the existing garage. The extension would be 2 storey and would pitch away from the boundary with no.43. It would be 2 metres from the boundary at its closest point and would have only roof light windows serving a bedroom and en-suite in the side elevation. It would therefore have no adverse effect on the residential amenities of adjoining properties by reason of adverse overbearing or overlooking effects. It would be visually integrated with the existing dwelling in terms of its design, form scale and materials and would be visually subservient. It therefore accords with policy DEV19 of Arun District Local Plan. The existing dwelling has a secondary first floor bedroom window in the eastward section of the side elevation which would face on to the new dwelling but this would be located opposite a section where no windows are located. It would not therefore result in a material loss of privacy.

HIGHWAYS AND DRAINAGE
Additional highway comments to be reported to members and matters concerning visibility can be conditioned. Engineers are recommending conditions to control drainage of site and other technical matters.

AFFORDABLE HOUSING
The proposal generates the requirement for affordable housing contributions totalling £12,246 and a legal agreement has been signed and submitted in this respect.

CONCLUSION
The applicaion is considered acceptable in terms of visual and residential amenity and it is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL
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 (the 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 no negative 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).

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 8217/100 revC,8217/101 revA, 8217/102revA, 8217/103 revA, 8217/104revA, 8217/105revA, 8217/107revA and LLD455/01rev01.

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.

3 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 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.

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.

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 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the buildings 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: (a) 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.

7 The window to bedroom 5 at first floor level in the south elevation of unit 2 and the north elevation of unit 3 at first floor level shall at all times be and remain glazed entirely with obscure glass up to height of 1.7 metres from the floor of the same room.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy GEN7 of the Arun District Local Plan.

8 The bathroom window at first floor level in the north elevation of unit 1 shall at all times be and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy GEN7 of the Arun District Local Plan.

9 No dwelling, hereby approved, shall be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the planning authority. These spaces shall thereafter be retained at all times for their designated use.

Reason - To provide alternative travel options to the use of the car in accordance with WSCC
published parking standards and policy GEN7 of the Arun District local Plan.

10 Proposed dwellings accessed via Sea Lane only: No dwelling, hereby approved, shall be occupied until visibility splays of 2.4 metres by 43 metres have been provided at the centre of the proposed site vehicular access onto Sea Lane in a southerly direction only. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level.

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

11 Proposed dwellings accessed via Sea Lane only: No dwelling, hereby approved, shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated use.

Reason - In the interests of road safety

12 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

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

LOCAL PLAN: GEN7, GEN9, GEN12, DEV19

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

13 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd., A nglo St James House, 39A Southgate Street, Winchester, SO23 9EH (TEL 01962 858688), or www.southernwater.co.uk.

14 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing.

15 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 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.