

Recommendation Report for Planning Permission

REF NO: EP/121/17/PL

LOCATION: 16 Worthing Road
East Preston

PROPOSAL: Demolition of existing dwelling & construction of 6no. new flats and associated external works and storage

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposal relates to the provision of a block of flats comprising 6 no 2 bedroom flats over 2 floors. The elevations would comprise brickwork and render and the roof would comprise fibre cement slate. The design comprises two pitched roofs with a ridge height of 9m and a staggered footprint of 14m by 23.5m. 9 parking spaces are provided on the site frontage and a bin store which measures 4m by 2.5m and has a height of 1.8m. A cycle store of the same dimensions is located adjacent to the west side boundary to the rear.

SITE AREA 1,156 sqm

RESIDENTIAL DEVELOPMENT DENSITY (NET) 52 dwellings per hectare

TOPOGRAPHY Predominantly flat, but land rises up to Worthing Road from within site.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT Fencing and hedging to side and rear boundary. 1m high flint walling to site frontage

SITE CHARACTERISTICS The application site comprises a detached 2 storey dwelling of tudor design with gardens to the front and rear.

CHARACTER OF LOCALITY The area is part of a residential street comprising a mixed character with detached properties of mainly 2 storeys set in medium plots set back from the highway with gardens to front, side and rear within an urban environment. 2 and a half storey flats with brick and rendered elevations occupy the site immediately to the east.

RELEVANT SITE HISTORY

EP/145/03/	Demolition of 4 houses & erection of 17 No. 3 bedroom houses with 21 parking spaces (resubmission following EP/69/02)	Refused 12-02-2004 Appeal: Dismissed 30 09 2004
EP/26/08/	Erection of 12 no 2 bedroom apartments comprising 2 no separate buildings. Formation of vehicular access and alteration to highway together with the provision of on-site parking & cycle store. (Resubmission following EP/165/07)	App Cond with S106 27-11-2008
EP/93/15/HH	Single storey wrap around extension to provide annexe	Refused 24-09-2015 Appeal: Allowed+Conditions 26 02 2016

Planning permission EP/26/08 granted permission for the site to the east to be redeveloped as 6 flats.

Planning permission EP/93/15/HH granted permission for a single storey wrap around extension to the dwelling to the west.

REPRESENTATIONS

Representations received:

East Preston Parish Council

No Objection - The committee originally agreed to object to the design of the property, in particular the

angled windows on the first floor and also the parking provision.

Subsequently, the committee has seen the redrawn designs which remove the angled windows and is happy its objections to the design have been addressed.

The committee has realised it is not in a position to object to the provision of parking at the front of the property.

Therefore, this committee no longer has any objections to this Application.

One support - The proposal would complement the existing development to the east of the site.

Adequate provision should be made for secure parking/visitor spaces given the parking restrictions on Worthing Road.

Comments on Representations received:

Agreed. The amended design incorporates changes that have been discussed with parish council regarding the fenestration on the side elevations and the potential for overlooking has not increased as a result. Whilst the car parking to the site frontage would be visible it would be partially screened by planting and walling on the site frontage and would reflect the position of car parking on the adjacent flat development. Retaining parking to the site frontage reduces the unneighbourly impact of vehicle movements along the site boundary.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes

Consultations responses received:

County Highways - No Objection subject to imposition of requested conditions relating to pedestrian and vehicle visibility, car parking and cycle space provision, construction plant and materials and an informative for minor highway works.

Full details of comments are available on the web site.

Drainage Engineer - No Objection. Please apply standard conditions.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u>	The Form of New Development
	<u>GEN8</u>	Development and the Provision of Infrastructure
Publication Version of the Local Plan (October 2014):	<u>GEN12</u>	Parking in New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D SP1 Design
		W DM3 Sustainable Urban Drainage Systems
		T SP1 Transport and Development

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 4	Design in Character Area Three

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

EPDS	East Preston Village Design Statement
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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 and is 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.

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. The examination was completed in September 2017.

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. 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).

Policy 1 Housing - General Principles and Policy 4 - Design in Character Area Three of East Preston Neighbourhood Plan are considered relevant to consideration of this application.

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 Neighbourhood Plan policies 1 and 4 which seeks to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

DESIGN AND VISUAL AMENITY

The site lies on a residential road and backs onto Langmeads recreation ground. It is readily visible from the road frontage, but is screened by trees to the rear. The adjoining site to the east has been redeveloped as 2 and a half storey flats and the site to the west although a single dwelling house has been extended significantly recently. The proposed development by virtue of its layout, height, footprint, design and position in relation to the road frontage is considered to be in keeping with the established character of the locality which has been altered in this location from detached dwellings to flats characterised by 2 and 2 and half storey height with brick and rendered elevations.

The existing dwelling is set back from the road frontage and has a relatively high ridge line of 8.4m (the proposed ridge is 0.7m higher.) It has space around it to all frontages and the boundary planting contributes to the verdant entrance to both adjoining roads. Given the domestic style design of the proposed property and its similarity to the development to the west it is considered that the proposal would accord with Policy 1 : Housing - General Principles and Policy 4: Design in Character Area Three of the East Preston Neighbourhood Plan. These policies state that development will only be supported provided the scale, density, massing, height, landscape design, layout and materials of all development proposals reflect and enhance the architectural and historic character and scale of the surrounding buildings. Policy 4(iv) requires the scale, massing, detailing and landscaping of apartment blocks to be domestic in form and their appearance to harmonise with the housing types of the area. The proposed design does reflect adjoining development. However it is noted that the elevation plan refers to fibre cement slate roofing and it has been agreed that this would be deleted from the application and controlled by condition given that there are no slate roofs in close proximity to the application site.

The proposal also retains adequate space to the side and rear boundaries to ensure that it is in keeping with neighbouring properties and not overly dominant in relation to the road frontage, the park to the rear or adjoining properties. The car parking is provided to the site frontage which retains a usable rear garden amenity area and reflects the layout of the adjoining flat development. It also allows for retention of trees within the rear garden area which will assist in screening the development from the park. Most of the brickwork wall to the frontage is being

maintained and ample landscaping space is being provided to the front site boundaries to provide meaningful planting in keeping with the neighbouring properties. The dominant roofed bin store adjacent the road frontage has been reduced in height to provide a 1.8m high enclosure which would more readily be assimilated in the street scene.

RESIDENTIAL AMENITY

The proposed development would be 2m from the western boundary and 0.8m from the eastern boundary at its closest point. A minimum gap of between 3.5m and 2.8m would be retained between the proposal and the neighbouring properties. Although the property would be closer to both site boundaries than the existing dwelling these distances are considered acceptable to ensure no materially adverse overbearing impacts result. Particularly since both neighbouring properties are located in a similar position on the plot and that they have relatively large rear garden areas. The development does not project further forward on the site than the existing garage which is roughly aligned with both adjacent properties. To the rear the building aligns with no 14 adjacent to the boundary and at a distance of 9m from no14 projects 2m. In relation to the flat development to the east the rearward projection is more than 8m from the side elevation. These distances combined with the eaves height of the proposal of 6m is sufficient to ensure there is no material harm to amenity.

The first floor windows on the side elevations would be obscure glazed above 1.7m and this would ensure that no materially adverse direct overlooking would result to adjoining properties or their gardens. The roof lights in the roof do not serve habitable accommodation at second floor and would provide additional light to the bedroom in the first floor. Overlooking would not therefore result.

To ensure new developments have adequate amenity space the Council is applying the external amenity space standards in the Emerging Local Plan policy DDM3. The proposed apartments on the ground floor have their own terrace area, but the first floor flats have no private external space but they do have access to the large communal garden space to the rear. Further it is considered that the provision of balconies on the upper floor would detract from the domestic appearance of the development which would be detrimental to the appearance of the street scene. The provision of communal gardens is established on the adjoining site. It is noted that the internal space requirements of the dwellings meet the national internal space standards which are currently being used by the Authority.

HIGHWAYS & PARKING

WSCC have been consulted in relation to the proposed development and have no objection to the proposal in terms of highway safety or parking provision.

SUMMARY

In accordance with the above considerations of the proposed development it is recommended that this application is refused for the following reasons.

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 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 Location and Block 2.06 Proposed Elevations 2.03 revD, Ground and First Floor Plans as Proposed 2.02C, Proposed Site Plan 2.01 C, Street Elevation and Site Section 2.04 D, Drainage Plan as Proposed 2.05 B, Visibility Splays 2.07 A and Topographical Survey 1.01.

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 above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings and bin store 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 and bin store.

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 No development above damp proof course shall take place unless and until there has

been submitted to and approved by the Local Planning Authority a scheme of landscaping/hard and soft/, which shall include indication of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Worthing Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 7 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 8 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Worthing Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 9 The windows at first floor level on the east and west elevations shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m.

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

- 10 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 and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 11 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 12 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS

system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 13 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that any changes in land levels are agreed prior to commencing any building works.

- 14 No part of the development shall be first occupied until the covered and secure cycle parking spaces hereby approved have been provided and the spaces shall be retained for this purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy GEN 7 of Arun District Local Plan.

- 15 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :
- a. An indicative programme for carrying out the works
 - b. The arrangements for public consultation and liaison during the construction works.
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
 - d. Detail of any flood lighting, including location, height, type and direction.
 - e. The parking of site operatives and visitors
 - f. Loading and unloading and storing of plant and materials
 - g. Storage of plant and materials used in construction and development
 - h. Measures to control the emission of dust and dirt during construction

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access which could compromise highway safety.

- 16 INFORMATIVE: The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

- 17 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of

the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.