Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: **EP/2/15/RES**

LOCATION: The Martlets
Sea Road
East Preston

PROPOSAL: Approval of reserved matters following outline consent EP/83/12/ for 5 No. dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is a reserved matters application for residential development. The proposed development comprises 5 houses and gardens, vehicular/pedestrian access, parking, retention of landscaping and trees. Only access was approved at outline stage. Appearance, landscaping, layout and scale fall to be considered under this the reserved matters application. The application relates to a terrace of 3 properties to the west and a pair of semis fronting Sea Road. Two of the properties are 2.5 storeys high and three are two storeys high. The proposal relates to 2 x 2 bed and 3 x 3 bed dwellings.
SITE AREA	0.09 hectares
RESIDENTIAL DEVELOPMENT DENSITY	55 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development. Mature conifers on verge outside of site. 1 mature tree to be removed
BOUNDARY TREATMENT	1.8m high timber fencing to east. Hedging to Sea Lane evergreen to 4m height. Flint wall on road boundaries to 2m height. Boundary to 26 is approximately 2m high walling.
SITE CHARACTERISTICS	Single storey brick built property with a concrete tile roof occupies the front of the site at present. A single storey flint building is located on the rear boundary facing onto the car park to Martlets. Plans indicate it is to be

removed.

CHARACTER OF LOCALITY	Edge of village centre location. Predominantly residential to west and south, but retail and commercial to east. Main parade of shops to north east. Estate agents opposite to east. 3 storey residential development to west, 2 storey opposite, to south single storey pitched roof structure and thatched 2 storey dwelling at 26 Sea Lane.

RELEVANT SITE HISTORY

EP/78/11/	Outline application for redevelopment of site with erection of 6 houses, parking and cycle & bin storage facilities	Refused 15-09-2011	
EP/131/11/	Outline application with some matters reserved for re-development of site comprising of 6 no. houses, parking, cycle & bin storage facilities (re-submission following refusal EP/78/11/)	Refused 29-02-2012	
EP/83/12/	Outline application with some matters reserved for re-development of site with the erection of 5 no. dwellings	Refused 14-03-2013 **Appeal: Allowed+Conditions 19 12 2013**	*Appealed*

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection - 5 houses is too many for this site. 4 would be better. This would provide more amenity space. The vehicular access is narrow. On site parking is deemed insufficient for the potential number of vehicles these properties could generate. 2 spaces should be provided per dwelling according to the adopted standards. West Sussex parking calculator says 7 should be provided. The Neighbourhood Plan states new developments should have adequate parking within their plots. parking space P1 is poorly sited. Visibility is inadequate. The new site owner is no longer County and therefore the ability to provide the necessary visibility is restricted. The works to build out the kerb line and provision of parking restrictions appear to have been forgotten by West Sussex County Council. All 5 garden sizes of the dwellings are too short and do not accord with policy DDM3 and 2 of the plots are below the required size. In application EP/83/12 plots the indicative elevation plans for D1 and D2 show the plots are lower than Baytree Cottage, whereas in this application they are the same. The planning Inspector stated in para 21 of his report 'I also agree with the Council that the form and proportions of the 2 frontage houses should be kept to the indicative design in order to harmonise with the street scene and preserve the setting of the adjacent

listed Bay Tree Cottage.

East Preston and Kingston Preservation Society - Objection - Firstly, the design of the houses fronting Sea Road in EP/83/12 showed the southern of the two houses as being lower than the northern house. It therefore was also lower than the listed cottage to its south, and appeared subordinate to it. This feature of the previous design should be reinstated.
Secondly, the two houses fronting Sea Road have been moved further east and north than on the plans in EP/83/12, so that they are very close to the footpath and there is no gap between the northern house and the roadside verge. The street scene would be improved if the houses were moved westwards about a metre and if the northern wall of the northern house was moved south. We recognise that these changes could only be made by reducing the size of the gardens.
The Society still considers that the provision of one parking space for each house is inadequate, but it recognises that this feature has been decided.

Comments on Representations received:

Agreed. The details of the access are covered by conditions imposed by the Inspector. The amount of parking is also covered by condition. Parking for 5 car spaces is required by condition 9. A greater number of spaces cannot therefore be requested at this stage.

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Arboriculturist

Consultations responses received:

County Highways - No Objection. Layout is acceptable. Vehicles can turn within the site. No highway issues

Arboricultural Officer - No Objection to outlined construction/demolition operation, if the outlined tree retention plan, impact assessment and methodology statement are adhered to

Engineers - No comments requirements will be dealt with by conditions imposed at outline stage

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary
Class C Road
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	AREA17	Sites of Archaeological Interest
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards

D DM3 External Space Standards
D SP1 Design
HER DM1 Listed Buildings
HER SP1 The Historic Environment

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

EPDS East Preston Village Design Statement by E P Parish Council

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.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. East Preston Neighbourhood Plan is due to be made on 11-03-2015. General policies 1 and 4 are considered relevant.

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 conflict with relevant Development Plan policies in that it would have a materially adverse effect on the visual amenities of the locality and 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

BACKGROUND
The application site benefits from Outline Planning Permission for 5 dwellings granted on appeal on 19-12-2013 December 2013 under reference EP/83/12. The outline planning permission dealt with the principle of the development and access. All other matters were reserved.

Consideration must now be given to the reserved matters the applicant is seeking to agree through the current application. The remaining issues to be determined are the appearance, layout, landscaping and scale, the relationship of the development with adjacent properties, the suitability of proposed parking arrangements.

Indicative elevation and layout plans were submitted at outline stage which were similar, but not identical to the drawings submitted as part of this proposal.

CHARACTER OF THE AREA AND VISUAL AMENITY
The illustrative plans submitted at outline stage which were indicative demonstrated the maximum dimensions that would have been acceptable to ensure no adverse impact on visual amenity or character of the area. The proposal has increased the height of the units and the footprint of the properties to the front and this combined with their movement forward on the plot results in development that has an adverse impact on the character of the area.

The surrounding dwellings to this site are predominantly two storeys. The dwellings will be provided in semi-detached and terraced forms. The pre-dominance of two storey dwellings on this site is in keeping with the character of the surrounding area and ensures that the development reflects the surrounding built form. The 2, 3 storey units are located away from the site frontage behind the 2 storey units and would not be prominent in the street scene. However the dwellings on the site frontage are higher than previously indicated and also closer to the footpath and Sea Road and Fairlands frontage. This results in development that is prominent and out of keeping in the street scene. The properties opposite in Fairlands are set back from the road frontage with Sea Road and the previous proposal indicated the properties on this site retaining a similar set back. Indeed this was one of the reasons that the earlier application for 6 dwellings (EP/131/11) was deemed inappropriate. They have now been moved approx. 2 - 2.5m closer to Sea Road. This combined with the increase in height of the dwellings adversely affects the character of the

area by ignoring the established pattern of built form in the locality. The dwellings on the site frontage also now project significantly forward of Bay Tree Cottage to the south. The dwellings were previously 0.5m forward of this dwelling. They are now 2.5m forward. The development has also moved closer to the Fairlands frontage. Previously a gap of 1m was provided. This is now reduced to 0.6m. These alterations increase the visual presence of the development.

There are significant trees on the Northern boundary of the site with Fairlands but the submitted information indicates these will be retained. Root Protection Zones can be achieved and maintained and hand digging would be undertaken in these areas.

DESIGN AND FORM OF BUILDINGS
The proposed building designs and use of materials have been considered to sympathetically respond to surrounding housing developments while ensuring that they will give the development its own distinctive character. The development will include clay and slate roof tiles , facing tiles, brickwork walls, timber casement windows and stone cills reflecting the materials used on older buildings in the locality.

EMERGING DWELLING SPACE STANDARDS
In terms of the internal space standards these are considered acceptable, but the external space standards are unacceptable.

The outline planning permission was considered by the Development Control Committee two years ago and the appeal decision over a year ago. In the meantime the Emerging Local Plan has been provided as a Publication Version and the Local Planning Authority is applying the internal and external space standards to proposed development

Private gardens are required to have a depth of 10 metres to ensure sufficient and suitable private outdoor amenity space. Larger dwellings are expected to have larger back gardens. The publication version of the Local Plan requires Unit 1 which is a 2 storey semi-detached 4 person dwelling to have a garden of 85sq m (it is 50m2), unit 2 has the same requirement (it is 56m2). Of the end of terrace units to the rear Unit 3 requires a garden area of 85 sq m (it is 58m2) and unit 5 100 sq m (it is 76m2). The mid terrace 3 bedroom dwelling at unit 5 requires 65 sqm (it is 39m2). The garden areas are therefore significantly below the requirements in not only length, but also overall area. Even though the Inspector commented that the illustrative garden lengths which were submitted in support of the outline application reflected others nearby, this application proposes a different layout and the significant deficiencies on all plots highlights that the layout is not acceptable and is unlikely to be achieved by the number of units proposed. Whilst plot sizes are smaller to the north, these are separated from the site by Fairlands road. Those to the south which are most directly comparable are significantly larger.

The publication version of the Local Plan also includes policy DDM2 which sets minimum internal space standards for residential dwellings. The proposed scheme meets the overall minimum space standards for gross internal floor spaces.

RESIDENTIAL AMENITY
The proposed end of terrace property to the rear which is closest to the listed building would extend 1m beyond the rear elevation of the building within its garden and would not therefore result in an adverse overbearing impact in terms of residential amenity. No windows are included in the side elevation of the property closest to 26 Sea Road and therefore no direct overlooking

would result to this property. Given the building height indicated adjacent to this boundary and the gap that is to be retained to the boundary there would be no adverse overbearing effects.

IMPACT ON SETTING OF LISTED BUILDING
The property immediately to the South of the application site Bay Tree Cottage is Listed. This is a modest size detached thatched property with a walled curtilage. The building closest to the boundary with this property is indicated 0.7m from the boundary and two storeys in height. However the height is greater than that indicated at outline stage. The dwellings on the site frontage are also greater in height and it is considered that this increase results in development that dominates the adjacent building and detracts from its setting. The indicative plans included at outline stage showed an end of terrace property that was lower in height than the listed cottage and a pair of semi detached dwellings on the frontage that also had lower ridge heights.

HIGHWAY SAFETY
County Highways have advised that they have no objection to the site layout.

CONCLUSION
The proposed scheme has sought to increase the amount of development above that envisaged at outline stage and is recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 neutral 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

REFUSE

1 The proposed development by reason of its height, footprint and proximity to the site frontages would have an adverse impact on the visual amenities and character of the area in conflict with policy GEN7 of Arun District Local Plan and policies DDM1 and DSP1 of the Emerging Local Plan and the NPPF.

2 Having regard to the internal room sizes and the lack of adequate external space provision the provision of 5 dwellings would give rise to an unsatisfactory environment for the occupiers in conflict with policy GEN7 of the Arun District Local plan and policies DDM2 & DDM3 of the Publication Version of the Emerging Local Plan and the NPPF.

3 The height of the dwellings closest to the southern boundary would dominate and have an unacceptable harmful impact on the setting of the adjacent listed building contrary to the NPPF and policies HER1 and HERSP1 of the Emerging Local Plan.

4 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 with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.