

Recommendation Report for Planning Permission

REF NO: EP/75/19/PL

LOCATION: Seahaven (Land West of Ash Hollow)
Seafeld Road
East Preston
BN16 1NA

PROPOSAL: 1no. new dwelling (re-submission of approved application reference EP/105/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct 1No. dwelling. This application is a resubmission of a previously approved scheme EP/105/16/PL, in that the dwelling proposed under this application is larger in scale than previously approved. During the application process, the proposal has been amended to resolve issues related to insufficient external amenity space, overlooking and loss of privacy. This is largely through a reduction in scale, the omission of windows/installation of rooflights, and the purchase of parcel of land to the North-East of the site.
SITE AREA	Approx. 780sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development. The Tree Protection Plan is in place to protect the TPO tree found to the North of the site, and the hedging bordering the site.
BOUNDARY TREATMENT	The front, street facing boundary of the application site is bordered by hedging, with 1.8m high fencing to its Northern, Eastern and Western boundaries.
SITE CHARACTERISTICS	The site is enclosed by fencing and comprises vacant land. It is generally flat and there is evidence that the site has been cleared historically.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with detached properties of 1 and 2 storeys in small plots set back from the highway with gardens to front and sides and small rear gardens within an urban environment.

RELEVANT SITE HISTORY

EP/105/16/PL	1 No. dwelling.
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ApproveConditionally 23-09-16

Previously approved application EP/105/16/PL is noted. The dwelling proposed under this application is larger in scale to that previously approved, and uses different, darker materials.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Parish Council - No objection following submission of substitute plans.

East Preston & Kingston Preservation Society - Objection:

- The proposed development does not preserve the special character of the Area of Character.
- The proposed size and height of the house would jeopardise the sense of space, as it is on a small plot.

Letter from applicant - Support:

- The proposed dwelling is a height increase of 1.5m, compared to the previously approved application, to a maximum height of 8.5m. This is directly aligned with the height of the neighbouring property, and is lower than other dwellings in the locality.
- The footprint of the proposal is similar to that of the previously approved application.
- Seafield Road has a diverse street scene, encompassing a range of designs and styles.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The issues raised by the preservation Society are covered in the Conclusions section.

CONSULTATIONS

Arboriculturist

Surface Water Drainage Team

WSCC Strategic Planning

Environmental Health

CONSULTATION RESPONSES RECEIVED:

W.S.C.C. Highways - No objection.

- The Local Highway Authority does not consider that the proposal would have an unacceptable impact upon highway safety, or result in severe cumulative impacts on the operation of the highway network.
- They request that an informative be added, ensuring that the applicant seeks the relevant consent from the proprietor of Seafield Road.

W.S.C.C Local Flood Authority - No objection.

Environmental Health - No objection.

- The Environmental Health Department request two conditions, one relating to hours of construction, and another relating to provision for the charging of electric vehicles.

Arboriculturalist - No objection.

- The Councils Arboriculturalist has requested conditions relating to ensuring that all activity at the site is

carried out in accordance with the Arboricultural Impact Assessment & Method Statement.

- The Councils Arboriculturalist has also requested that a condition also be imposed ensuring that a pre-commencement site meeting take place, before any machinery is introduced to the site, or works take place.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The relevant Arboricultural conditions proposed will be recommended. The hours of construction condition will not be applied, in that it is not considered reasonable, as there is

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

Area of Special Character

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

ENVDM4 ENV DM4 Protection of trees

HERDM4 HER DM4 Areas of Special Character

TSP1 T SP1 Transport and Development

SDSP2 SD SP2 Built-up Area Boundary

East Preston Neighbourhood Plan 2014 Policy 1 Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 2 Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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).

The relevant policies within the East Preston Neighbourhood Development Plan have been taken into account.

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 the proposed dwelling, due to its design and appearance, is not considered to have any significantly harmful impact upon the established character of the locality, nor have any significantly harmful impact upon the residential amenities of nearby occupiers.

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 application site is located within the built up area boundary, where the principle of development is acceptable subject to accordance with the relevant development plan policies, as stated in SD SP2 of the Arun Local Plan. In this case, the key policies are deemed to be D DM1 & HER DM4 of the Arun Local Plan and Policies 1 & 2 of the East Preston Neighbourhood Development Plan.

Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundary, and will be permitted subject to consideration against other policies in the Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy HER DM4 of the Arun Local Plan relates to applications within Areas of Character. Proposals will be granted subject to the retention of buildings and other features which make positive contributions to the special character of the area, maintenance of an appropriate mix of uses, and where possible, enhance the special character of the area.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 2 of the East Preston Neighbourhood Development Plan sets out the criteria for development within Character Area One. These ensure that proposals preserve the character of the street scene, and resist any increases in density that would alter this character. It also seeks to avoid tall buildings, and protect the view from the beach.

DESIGN AND VISUAL AMENITY

The application seeks to modernise the appearance of this dwelling dwelling, by way of substantial demolition and alterations.

The locality is host to a wide variety of dwelling designs and types, and therefore has a mixed character. The host dwelling is sited within an Area of Special Character (ASC), which is stated as being 'diverse'

with an 'informal' character. Seafield Road is referenced in the ASC description as 'each house is individually designed, illustrating how the estate as developed over time'. Development in ASC is required to make a positive contribution to the area and features such as boundary walls, hedges, trees and railings should be retained. The proposed development is considered to take this into account, in that the Tree Protection Plan includes the retention of the front boundary hedging.

The proposed dwelling is not considered to have any significantly harmful impact upon the appearance of the street scene, nor the established character of the area. Seafield Road is host to a varied mix of dwelling styles, materials and designs.

The proposed dwelling will be constructed of modern materials, to create a dwelling of monochrome appearance. The walls will be white at ground floor level, with weatherboarding at first floor. The roof will be natural slate, with grey concrete ridging. The use of white render is considered to be appropriate for the sites coastal location, and is a common feature on dwellings within the locality. This can also be said for the slate tiles, which are found approximately 100m to the West of the application site.

It is noted that the proposed dwelling is larger in scale than the previously approved application EP/105/16/PL, in that its ridge height is 1m higher than previously approved. However, the proposed maximum height of approximately 8.1m is not considered to be out of keeping with the area, as a result of the varied appearances, and scales of the dwellings within the locality. It is proposed to be the same height as that of its immediate neighbour, West House, to the east.

The proposed development does not therefore conflict with East Preston Neighbourhood Development Plan Policy 1 and HER DM4 of the Arun Local Plan as well as policy D DM1(1) and (2) of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

The proposed development is not considered to give rise to any significant impact on the residential amenities of neighbouring dwellings. This is as a result of the roof form, the siting of the proposed development, and its relationship with neighbouring buildings. To the North, the dwelling is sited a minimum distance of 2.7m from the boundary of the site (at its closest point), however, the closest part of the adjacent building to the North of the proposed dwelling is approximately 8.5m. This is considered to be sufficient distance to avoid any significantly harmful overshadowing or overbearing impact upon the occupiers of these dwellings. This is helped by the fact that whilst the building to the North features ground floor windows in areas that would have potential to be overshadowed, these are obscure glazed.

With regard to overlooking, it is noted that proposed first floor level windows in the North-Eastern corner of the proposal could be regarded as providing harmful overlooking of nearby properties. However, it is considered that these are sufficiently sited away, at approximately 10m, from the Northern boundary. There are no windows on the East, or West elevations of the proposed dwelling that would give rise to overlooking, in that the windows shown are obscure glazed, and will be conditioned to be retained as such. Sufficient daylight and ventilation will be provided to the room to the west by a rooflight velux window.

The proposed development is therefore considered to be in accordance with D DM1(3) and D DM4(c) of the Arun Local Plan.

TREES

The proposed development takes place within the site which has some Arboricultural constraints. However, it is considered that the proposal takes these into account. Large areas of the site will require ground protection, or the installation of protective fencing, this is due to a large TPO tree on the Northern boundary of the site, and hedging bordering the Eastern, Southern and Western boundaries of the site.

TRAFFIC

The proposed development is not considered to have a 'severe' impact upon the operation of the highway network. The proposal is considered to generate a parking demand of 3 spaces, which the plans meet, by way of a garage, and two parking spaces.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval subject to the following conditions.

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

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 & Block Plan - 193008/04 - June 19 - Rev. B
- Proposed Ground Floor Plan - 193008/01 - June 19 - Rev. A
- Proposed First Floor Plan - 193008/02 - June 19 - Rev. B
- Proposed Elevations - 193008/03 - June 19 - Rev. B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

- 3 The windows shown as obscure glazed on plan reference 'Proposed Elevations - 193008/03 - June 19 - Rev. B' shall be retained as such at all times, and fixed to be non opening below 1.7m, in perpetuity.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge point shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 5 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Appendix A of the AIA/AMS), August 2019.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not unduly compromised, and they can continue to enhance the landscape and amenity of the area.

- 6 All activity at the site is to be carried out in strict accordance with:

- Arboricultural Impact Assessment & Method Statement, ref: jwmb/rpt1/seahaven/AIAAMS, 8th August 2019

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not unduly compromised, and they can continue to enhance the landscape and amenity of the area.

- 7 If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not unduly compromised, and they can continue to enhance the landscape and amenity of the area.

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INFORMATIVE:

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.

For further information please contact the Environmental Health Department on (01903) 737555

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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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.