Recommendation Report for Planning Permission

REF NO: **EP/80/14/PL**

LOCATION: 60 & 62 Sea Lane
East Preston

PROPOSAL: Demolish 1 house and construct 4 new dwellings (2 pairs of semi-detached houses). Resubmission of EP/111/12/

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of 2 pairs of semi detached dwellings in lieu of one detached dwelling. The dwellings would be 2 storeys high and each would have 4 bedrooms. A detached garage with parking in front is provided to each dwelling.
SITE AREA	0.17 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	23 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 a detached 2 storey dwelling with white painted elevations and a plain tile roof.
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/157/06/	Application for renewal of unimplemented outline planning permission EP/128/03 for one dwelling house and garage.	ApproveConditionally 19-01-2007
EP/111/12/	Demolish 1 house (60 Sea Lane); partially demolish 1 house (45 The Ridings); construct 3 detached houses; alterations and	Approved Cond + S106 05-07-2013

extensions (45 The Ridings)

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection - Out of keeping - There are no genuine semi-detached properties in Sea Lane, East Preston. Therefore these two pairs of semi-detached properties will be completely out of keeping with the streetscene, and have a detrimental impact upon the appearance of the locality, contrary to GEN7 and DEV19 of the current Arun District Local Plan.

Density - The increased density of the properties on these plots is tantamount to overdevelopment within this part of East Preston.

Paragraph 4.13 of East Preston's emerging Neighbourhood Plan says density of new development "should be closely related to the present density". The committee does not feel the density of the proposed development meets this objective with regard to most of Sea Lane.

Car-parking - the council is concerned that the parking provided for the four properties is insufficient for the number of cars that four four-bedroomed properties could generate. Each of these four semi-detached units could sleep seven people as standard, meaning a potential total occupation of 28 people. The approved Planning Permission (EP/111/12) of these two plots - two five-double-bedroom houses - has a potential standard total occupation of just 20 people. 28 people will likely generate more cars to be parked and more traffic movements in this area than the original 20 people.

Owing to the design of the shared driveway up to the garage units 2 and 3 realistically only have parking space for two cars each (one each in the garage and one eachimmediately in front of the garage).

Paragraphs 4.20 and 4.21 of East Preston's emerging Neighbourhood Plan refer to parking standards and provision, and the committee feels the parking arrangements in the proposal are contrary to emerging Neighbourhood Plan.

This is also contrary to the design guidelines of the East Preston Village Design Statement which states that development should provide "adequate car parking at the rear or side of new developments, not in front gardens, and avoid on-road parking" - the council is concerned overspill parking will be forced to park on the road, and that due to the layout of this stretch of Sea Lane this will be in front of other residents' houses. Visibility exiting some properties in Sea Lane is already poor.

Drainage - following two flood events in Sea Lane in 2012, this council is now wary of the impact that new development will have on surface water drainage in East Preston, particularly in the area of Sea Lane and The Ridings. Ever-increasing development is reducing natural drainage across the area. In response to Planning Application EP/111/12 for this same site, Paul Cann (ADC Senior Engineer - Drainage & Coastal) expressed his concerns in an email dated 30th April 2013. We wish to underline our support for this email.

East Preston Parish Council asks if Planning Permission is granted a similar Condition is applied as Condition 4 applied to EP/111/12.

Poor design - Along the lines of the above objections, the National Planning Policy Framework allows Planning Authorities to refuse Planning Permission to buildings considered to be poorly designed as they have not been designed to complement the surrounding properties.

Construction traffic - the council understands it is unlikely Arun District Council would apply any conditions relating to the construction traffic, but the committee felt it important that concerns should still be stated in writing. The committee is concerned the site is adjacent to a central reservation, and that this could lead to increased danger in these areas for local

residents, for contractors and most importantly, for emergency vehicles.

East Preston and Kingston Preservation Society - The Society considers that the proposed development is inappropriate for its site. The density of the four houses is put at 23.5 per hectare;this density is substantially greater than that of surrounding, existing, development, which ranges from 13 to 17 per hectare in the adjoining parts of Sea Lane, apart from the two houses south of the site, for which the density is 6.7 per hectare. The relatively high density of the development affects the street scene, because it requires much of the frontage of the proposed houses to be devoted to entrances. The scope for planting of boundary hedges, shrubs or tree is thus limited, and the appearance of this part of Sea Lane would differ from that of adjoining sections. This development therefore breaches the development principles of the draft East Preston
Neighbourhood Plan, which state that "The density of new development should be low enough to preserve the character of an area. The acceptable density ... will be closely related to the present density".It also conflicts with Policy GEN7 which requires new development to respect and enhance local distinctiveness.
The proposal also has unsatisfactory and inadequate provision for parking. Only the outer houses might be able to park more than two cars, and all would have to park cars in single file, so that cars would to be juggled at times. A four bedroomed house might well have more than two cars, so owners might remove what little greenery there would be in front of the houses to widen the drives. They may also park cars on the road to ensure they are available for use when needed. The draft East Preston Neighbourhood Plan states that developments should not lead to unacceptable levels of on-road parking, following a survey of residents which showed that 98% of respondents agreed that new developments should have adequate parking to avoid an increase in on-road parking.
This application should be refused, as being contrary to policy GEN7 and the policies of the draft East Preston Neighbourhood Plan.

7 letters of objection - Nowhere else on Sea Lane are there any semi-detached properties. The are is either detached houses or bungalows. 2 pairs of semi-detached properties sets a prececedent .It is completely out of keeping with the surrounding dwellings and flies in the face of East Preston Neighbour Plan. Area is already overstretched. Garden space around properties would be lost. This proposal increases the scheme approved by an additional 6 bedrooms. More vehicles would enter the very restricted road width, more surface water and sewage utilising already overloaded system. Plot is prone to surface water flooding. Parking to each unit is inadequate. Tandom parking will not work and will result in obstruction on the highway. The Village Design Statement refers to small units of 2-3 bedrooms being preferred. Limited access gives concern. This is a safety hazard. Conflicts with Village Design Statement.

Comments on Representations received:

Comments of Parish Council are agreed. However the Neighbourhood Plan cannot be considered since it is not adopted. County Highways have no objection to the proposal relating to the provision of car parking. Imposition of a condition relating to contractors vehicles would not meet the tests for the imposition of conditions.
Comments made in other representations are largely agreed. County Highways have no concerns regarding access and Engineers have no objection in principle.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning

Arboriculturist

Consultations responses received:

County Highways - All 4 new dwellings will be accessed via Sea Lane using accesses approved under the previous application.
Each dwelling will have the benefit of a detached garage with additional ample off-street parking available. The visibility at the access on to Sea Lane remains the same as the previous application and therefore no concerns would be raised to this application from a highway safety perspective. Request that the same conditions used for EP/111/12 are secured for this application. These are: cycle parking, vehicular visibility and turning within the site.

Engineers - No Objection in principle. Conditions requested.

Tree Officer - Root Protection Plan and Method statement of protection for the RPA areas is required as part of the application.

Comments on Consultation responses:

- comments noted. Additional information relating to tree protection was requested from agent.

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary

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
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		D DM1 Aspects of Form and Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design W DM1 Water Supply & Quality East Preston Village Design Statement

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
EPDS	East Preston Village Design Statement

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.

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

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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 residential amenity, 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

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 Policy GEN7 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 was EP/150/09. Following these renewals permission was granted last year for for 3 detached houses to replace 1 on the application site and land to the rear.

VISUAL AMENITY AND CHARACTER OF THE AREA

The area is characterised by detached dwellings on relatively large plots. The semi-detached nature of the development would be out of keeping with this established character and the size of the plots and rear garden widths would not be readily comparable with the neighbouring properties as they would be considerably narrower. The proposed plot widths measure between 8 and 10 metres and others in Sea Lane are 13-18 metres (the plot immediately to the south has a width of 36 metres). The development would not therefore be in keeping with the general pattern of development and would appear cramped.

Whilst the properties would, in built form, appear detached they would each have a separate driveway and parking which increases the hard surfacing normally associated with 2 dwellings and the level of activity generated would be significantly greater than 2 detached dwellings. This would further emphasise the presence of 4 units across the site.

The garages are located behind the rear elevations of the proposed dwellings and this would also be out of keeping with the general pattern of development in the locality which is defined by garages adjacent to the side elevations of properties and these do not project into the rear garden area.

The proposal accords with external space standards in the Emerging Local Plan, but bedroom 4 and the bathroom are undersized and there is no ground floor bathroom in conflict with the internal space standards in policy DDM2.

RESIDENTIAL AMENITY

The dwellings are located 4.3m from both site boundaries which is considered adequate to prevent any materially adverse overbearing effects to adjoining properties. The dwelling to the south would be 4m from the side boundary and would have a first floor window in the side elevation at first floor level. This would cause direct overlooking to the side of the adjoining property to the south and part of the rear garden and would therefore result in adverse overlooking. However, this would be controlled by way of condition requiring obscure glazing and fixed shut windows.

CONCLUSION

The applicaion is considered unacceptable in terms of visual amenity and the character of the area and it is therefore 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).

SECTION 106 DETAILS

The proposal generates the requirement for affordable housing contributions. An Agreement was signed and submitted relating to the earlier approval and an additional reduced figure contribution of £9,636 has been agreed following a viability appraisal.

RECOMMENDATION

REFUSE

1 The site by virtue of its size and width, is considered unsuitable to accommodate 4 dwellings and private amenity space satisfactorily without damaging the character of this established residential area given the number and type of dwellings and position of the garages proposed. The proposal would therefore result in an unduly cramped and unneighbourly form of development which would be detrimental to the character and residential amenities of the surrounding residential area, contrary to policy GEN7 of the Arun District Local Plan and policies DSP1 and DDM1 of the Emerging Local Plan.

2 Without adequate details of Root Protection and Method the Local Planning Authority is not satisfied that the development can be carried out without adversely affecting the trees indicated for protection within the scheme. The proposal would therefore be contrary to policy GEN7 of Arun District Local Plan and policy DDM1 of the Emerging Local plan.

3 The proposal does not accord with the internal space standards of the Emerging Local Plan and is therefore contrary to policy DDM2 of the plan and policy GEN7 of Arun District Local Plan.

4 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy and the NPPF.

5 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 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. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.