

REPORT UPDATE

Application No: EP/90/09/

Reason for the Update / Changes

Reason for Update/Changes:

*Representation.

*Substitute Plan.

Objection - Rustington Parish Council. The proposal does not provide for vehicle parking in accordance with policy GEN12 of the Arun District Local Plan. 21 spaces is significantly lower than 33 that would be required for the development. This would lead to on-street parking which would interrupt the free flow of traffic and introduce hazards to highway users particularly on the bend. No defined turn on site. Precedent.

Amended elevational plans have been received which delete the balcony to the 2nd floor of the flats; delete the dormers and doors which were associated with this balcony on the 2nd floor; removed the 2nd floor built link section between the terraced housing and the flats.

Officers Comment:

It should be reiterated that development for 14 no. residential units have previously been approved on this site and is extant. The previous application had 20 no. parking spaces, the current application has 21 no. spaces. The parking standards within the Arun District Local Plan are maximum provision. Indeed policy GEN 12 of the Local Plan states that the LPA may seek a lower provision than required by the standards for developments proposed in town centres and other areas accessible by other means of transport. There is turn on site provision within the development.

The amended elevations are acceptable design changes brought about following discussions with the LPA.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

EP/90/09/

PLANNING APPLICATION REPORT**REF NO:** EP/90/09/**LOCATION:** Churchfield
Station Road
East Preston**PROPOSAL:** Demolition of existing buildings & residential redevelopment to provide 14 no. houses & apartments, with associated parking & open space.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.36 hectares
RESIDENTIAL DEVELOPMENT DEN	39 dwellings per hectare.
TOPOGRAPHY	Very uneven and raised from road by some 1.5 - 2 metres, the section close to Station Road raised high enough to obscure view of the road from within the site. The land is also lower than the neighbouring churchyard. The centre of the site is lower than the main areas, largely because of the man made pond.
TREES	Many within the site, however, because of their position in relation to public visual amenity.
BOUNDARY TREATMENT	Flint wall to front and to churchyard. Landscaping and others to physical boundaries obscured from view.
SITE CHARACTERISTICS	<p>Very large side garden to the side of the house Church Field. Large man made pond within centre of garden, formerly with waterfall system operation to and from the pond. Many wells on site, together with ditches, all appear to be man made. Garden land essentially dominated by the pond. The existing dwelling is relatively large 2 storey dwelling with existing vehicular access leading to detached garage. Also sheds and summerhouse within garden.</p> <p>The site has been vacant for some while and unfortunately has now suffered vandalism, with the house broken into and damaged, most of the windows have been broken. The summerhouse has been severely damaged by fire. The garden is now very overgrown.</p>
CHARACTER OF LOCALITY	Predominantly residential area. The adjoining church St. Mary's, is Grade I Listed, and has a graveyard which lies to the south of the application site. Residential development in the locality comprises predominantly large detached properties. Adjoining site to the north 'The Bradbury Hotel'

is a holiday home for the blind and partially sighted, is 2 storey and extended property.

RELEVANT SITE HISTORY

EP/41/07/	Demolition of existing buildings & residential redevelopment to provide 1 no. 1 bed & 20 no 2 bed apartments, with associated parking	Withdrawn 28-06-2007
EP/96/07/	Demolition of existing buildings & residential redevelopment to provide 14 no. houses & apartments with associated parking	Approve Cond 26-09-2007

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection. Adversely affects the setting of St. Mary's Church a Grade I Listed Building; 2 1/2 storey modern terrace houses and 2 1/2 storey flats are urban style buildings which do not respond positively to the characteristics of the site or the setting of the Listed Building; Unsympathetic to adjoining buildings and detract from the character and appearance of the Conservation Area around the Church; insufficient car parking which would lead to on-street parking; No defined turning circle within the site; The loop railings to the east and west boundaries would be out of keeping and unsympathetic to the street scene and Conservation Area and the rural setting of Langmead Recreation Ground; Urban in appearance and overdevelopment which would not enhance the characteristics of the area; Conflicts with development plan policies namely DEV11, GEN7.

East Preston and Kingston Preservation Society:

Objection. The changes to the approved design of the development from the earlier approval are undesirable and inappropriate within this sensitive site, next to Grade I Listed Church and Conservation Area; The switch from a terrace to detached houses in the northern block of the development introduces a style of an old fashioned big developer housing scheme. The houses are badly proportioned, too tall for their width, and marred by tile hanging and little porches; The large 3 storey block of flats at the junction between the north and south blocks adds a larger and taller building close to the Church; The addition of balconies with glass-panels are too modern on this sensitive site; The change of materials are inappropriate; Iron railings on the east and west fronts are inconsistent with the objective of preserving the present 'green' street scene. Wooden railings would be more appropriate; The development should harmonise with the adjoining Grade I Listed Church.

1 letter of objection:

Significant changes from that approved i.e. Increase in height at the south east corner; Use of railings; Urban design; Porches; Hanging tiles; Insufficient parking; Glass fronted balconies; Inappropriate design next to Grade I Listed Church and within Conservation Area.

Comments on Representations received:

Noted. There are 21 no. car parking spaces with available turn-on-site provision. The parking

is an acceptable number for the proposal. There are no balconies proposed on any of the houses, they have rear conservatories.

CONSULTATIONS

WSCC Local Development Divis.
English Heritage
Parks and Landscapes

Consultations responses received:

County Highways: No highways objections subject to conditions.

County Planning: No objections subject to a S106 Legal Agreement to include developer contributions of £65,943 towards primary, secondary and sixth form education and fire and rescue infrastructure in East Preston.

District Parks and Greenspaces: No objections subject to landscape condition and a financial contribution of £1000 per house should be provided for a nearby play area. The nearest play area is at Sheepfold Avenue - a sum of £9000 should be provided with any permission.

Comments on Consultation responses:

It should be noted that there was no money requested by either County Planning or District Parks and Greenspaces prior to the previous application being determined. Therefore there was no S106 Agreement for a financial contribution.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area Boundary
Affect Setting of Listed building - St. Mary's Church (Grade I)
Tree Preservation Order - TPO 1/71/EP (Relates to 42no. Elms along the east side of Station Road)

DEVELOPMENT PLAN POLICIES

South East Plan:	<u>SEPH5</u>	Housing Design and Density
Arun District Local Plan:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN7</u>	The Form of New Development
	<u>GEN12</u>	Parking in New Development
	<u>GEN28</u>	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment

POLICY COMMENTARY

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

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 application site is within the built-up area boundary, where development is acceptable in principle. The application is a proposed amendment to the earlier approval EP/96/07. That application was also for 14 no. dwellings but was in the form of 7 no. houses and 7 no. flats, whilst this current application is for 9 no. houses and 5 no. flats. Also as a comparison, the previous application proposed 20 no. car parking spaces and 21 no. are identified on this current application.

Character

This is a sensitive site positioned next to the Grade I Listed Church St. Mary's, and on the edge of the Station Road Conservation Area. However, it does not have any historic status itself and although on the edge of the Conservation Area, it is not within it. Within the determination of the previous application, a lot of ground work was undertaken with regard to the neighbouring designations, and the dwellings approved were generally 2 1/2 storey, with heights ranging from some 9 metres to approx. 9.5 metres.

Amenity

The current application seeks to use the same materials to the earlier approval with mainly brick facing (some with tile hanging) and slate roofs.

Other than the house/flat mix, the main differences are the positioning of the dwellings and inclusion of such design changes as balconies on the flats, conservatories on the houses, and porch roofs. There are also 4 no. detached dwellings in lieu of terraced housing. The car parking will lie within the centre of the site, and would be mainly open parking spaces.

The height of the dwellings are comparable to those approved being some 9 metres, with the flats which are now located within the south east corner of the site, being 10.5 metres, which, although a different design, is the same height as the previous approval.

Summary

The proposal will provide the same number of dwellings to that previously approved but in a different manner, i.e. 9 no. houses and 5 no. flats in lieu of 7 no. houses and 7 no. flats. Further, 4 of the houses will be detached, where previously they were in terraced form.

They would be of very similar heights to the previous approval, but there will be design changes,

most notably provision of conservatories to the houses, some roof porches and a balcony to the flats. These changes are not considered so great as to withhold planning permission.

The layout has also changed, although it will still be in a reversed 'L' position to the east and south boundaries. Again, the changes are not considered to be unacceptable, particularly as the layout will still respect the Grade I Listed Church to the south and the street scene to the west.

The central car parking will not compromise the development and adequate garden and amenity space is provided for the development, being similar to the previous approval. The proposal will thereby not result in unacceptable harm to neighbouring properties including the Listed Church or the character and appearance of the neighbouring Conservation Area and therefore it is recommended that the application should be approved subject to the following conditions.

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 No development shall take place until details of screen walls and/or fences and/or railings have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences and/or railings associated with them have been erected.

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

- 3 No development, hereby approved, shall be commenced until the existing site vehicular access onto Station Road has been reformed with access radii, tactile paving and 2.4m x 59m visibility splays in accordance with the approved site layout. These splays shall thereafter be kept clear of all obstructions to visibility over a height of 0.6m above the adjoining carriageway level.

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

- 4 No dwelling hereby approved, shall be occupied until the car parking spaces allocated to the dwellings have been provided, surfaced and marked out in accordance with the approved site plan and construction details 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 on-site car parking spaces for the dwellings in accordance with policies GEN7 and GEN12 of the Arun District Local Plan

- 5 No dwelling hereby permitted, shall be occupied until the cycle store allocated to the

dwellings have been provided in accordance with the approved site plan and construction details to be submitted to and approved by the Local Planning Authority. These cycle stores shall thereafter be retained at all times for the designated use.

Reason: To provide on-site cycle parking spaces for the dwellings.

- 6 No dwelling, hereby approved, shall be occupied until the pedestrian access onto Station Road has been provided in accordance with the approved site plan and construction details to be submitted to and approved by the Local Planning Authority.

Reason: To provide a segregated pedestrian access to the dwellings in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No development 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.

- 8 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.

- 9 No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 10 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 11 No development, demolition or alterations to buildings shall take place until details indicating how suitable mitigation and provision will be made for reptiles, bats' and owls' habitats have been submitted to and approved by the Local Planning Authority and such mitigation/habitats shall be secured and provided before development commences and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of reptiles bats and owls to ensure that a habitat remains for them during and after development in accordance with policy GEN30 of the Arun District Local Plan.

- 12 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 and the setting of the neighbouring Listed Building by endeavouring to achieve a building of visual quality in accordance with policies DEV11, AREA2, GEN7 of the Arun District Local Plan.

- 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.

- 14 No development shall take place until precise details of the following have been submitted to and approved in writing by the Local Planning Authority; 1) the design, construction, opening mechanism, materials and finishes of doors and windows; 2) the design, materials and finishes of eaves and bargeboards; 3) the design and materials of chimneys and dormers.
The development shall be undertaken in accordance with these details and shall thereafter be retained.

Reason: In the interests of the visual amenities of the locality together with the neighbouring Grade I Listed Building and Conservation Area, and to endeavour to achieve a development of visual quality. In accordance with policies GEN7, DEV11, AREA2 of the Arun District Local Plan.

- 15 This permission relates to the plans as submitted and amended by substitute plans dated 02-09-2009.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

16 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981; with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

17 INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

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, including the neighbouring Listed Building and Conservation Area, and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, AREA2

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPG15

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

