

Recommendation Report for Planning Permission

REF NO: K/32/24/PL

LOCATION: Rest Harrow  
Middle Way  
East Preston  
BN16 1SB

PROPOSAL: Demolition and erection of 1 No dwelling (self build) and detached garage. This application is in CIL Zone 4 and is CIL Liable as a new dwelling.

**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	2737.8sqm.
TREES	The proposal site is a residential plot with 15 No. individual trees and 7 No. groups of trees. Those within the rear of the plot would remain largely unaffected, trees T1 - T5, TG1, SG1 & SG3 would be removed as part of this development.
BOUNDARY TREATMENT	Low brick wall with close boarded timber fence above to the western boundary, alongside substantial boundary planting and concealed fencing to south, north, and eastern site boundaries.
SITE CHARACTERISTICS	The site is a residential plot with substantial surrounding amenity space, front driveway and detached garage, and a single storey detached bungalow of white painted brickwork, Tudor beams to gable, brown clay tiles, and timber and aluminium fenestrations.
CHARACTER OF LOCALITY	The area is characterised by large, low density detached residential dwellings with varying design themes and characteristics, including an emerging contemporary character, particularly inclusive of art-deco styles and imitations.

**REPRESENTATIONS**

Kingston Parish Council - No objection.

No representations from nearby occupiers.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

**CONSULTATIONS**

**CONSULTATION RESPONSES RECEIVED:****Ecologist:**

- The bat survey is fine in regard to the bat roost potential of the house. No further surveys are required.
- If a period greater than 1 bat activity season passes between permission and development, I advise a precautionary bat roost assessment is undertaken.
- The proposed biodiversity enhancement measures are acceptable and will be secured by condition.
- Advises that compensatory tree planting is included as part of the biodiversity enhancement.

Environmental Health - No objection.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted. Conditions attached where appropriate.

**POLICY CONTEXT**

Designation applicable to site:

Built-up Area Boundary.

**DEVELOPMENT PLAN POLICIES**Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development

Kingston Neighbourhood Plan 2014 Policy KPNP1      The Presumption in Favour of Sustainable Development

Kingston Neighbourhood Plan 2014 Policy KPNP2      BUILT-UP AREA BOUNDARY

Kingston Neighbourhood Plan 2014 Policy KPNP4      NATURAL ENVIRONMENT

Kingston Neighbourhood Plan 2014 Policy KPNP7      DESIGN & DEVELOPMENT

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
SPD11	Arun Parking Standards 2020

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

## **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 complies with relevant Development Plan policies in that it constitutes a sustainable redevelopment of an existing residential property without unacceptably compromising the visual amenities of the area, the residential amenities of neighbours, or the setting of the nearby heritage asset.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations

## **OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

## **CONCLUSIONS**

### **PRINCIPLE**

The site benefits from being within the Built-Up Area Boundary in which the principle of residential redevelopment is acceptable subject to consideration of other relevant Development Plan policies in accordance with Policy SD SP2 of the Arun Local Plan (ALP) and policies KPNP 1 & KPNP 2 of the Neighbourhood Development Plan (KNP).

### **CHARACTER & DESIGN**

The Kingston Gorse area demonstrates a wide variety of individually designed dwellings with varying character, including, in more recent years, a mix of contemporary styles. However, it remains necessary to consider the character of dwellings within its immediate surroundings, alongside the general character of the area. This section of Seaview Avenue/Middle Way is characterised by low density 1.5 storey dwellings with traditional architectural features, materials, and overall designs with the exception of the tall former Water Tower building. Middle Way is informed heavily by 'The Tower/ Painters Keep' to the north of the road, which boasts a traditional character and acts as a focal point when taking in the character of the street by entering and moving up the road.

Painters Keep is a Non-Designated Heritage Asset and is significant, in part, owing to its prominence and positive contribution of the character of the street. Middle Way consists of a varied character, with consistencies between units primarily being a 1.5-storey height (excluding Painters Keep) and clay tiles. Remaining materiality varies, as do the architectural characteristics of the buildings, albeit the buildings

generally utilise traditional architectural features rather than stark, contemporary forms like the proposal. Such stark modern dwellings can be found within the area however, and as aforementioned, are a present and continually emerging quality of Kingston Gorse.

The stark modern design of the proposed dwelling is not in character with its immediate neighbours, however, it would conform to an emerging character present within the wider area, so it is not alien. Additionally, with consideration of the reduced height of the unit, and the boundary treatment along Middle Way, the proposed dwelling would not be visible within the context of Middle Way or Painters Keep until stood adjacent the access to the site at the furthest end of Middle Way. Therefore, the stark contrast in character would not result in any significant prejudice to the character of the Middle Way as enjoyed by the majority of public traffic, and it would in any case, not be inharmonious within the wider context of the area. The modern character of the dwelling is acceptable.

The proposed dwelling is of an attractive contemporary design with a flat roof at two differing heights, stepped elevations, large amounts of glazing and contemporary roof palette including a bronze-coloured metal cladding, timber louvres, white render, black timber cladding, and natural oak and aluminium fenestration frames. This is a relatively diverse material palette, but the majority are found within the area and are acceptable.

The proposal is for a replacement dwelling, and it would make efficient use of the existing footprint and sit within the same approximate position as the existing unit. There would be no detrimental change in scale, bulk, or siting.

The proposal includes the demolition of the existing garage to the northwest boundary and the construction of a single storey, flat sedum roofed garage with black timber cladding to the walls. The garage would be on the west side of the plot, flush with the boundary treatment meeting Middle Way. The elevations of the garage illustrate the fencing that adjoins the garage as stained black to match which would help the garage integrate with the boundary. Middle Way features tall white rendered block walls with piers along the west side with a mix of timber fencing and low brick walls with timber fencing above to the east side. The proposed garage and boundary treatment would not have any unacceptable visual impact on Middle Way.

The proposal is not in character with its immediate neighbours along Middle Way, but by virtue of the wide variety of dwelling designs, including contemporary styles, that are found in the wider area, and the limited prominence the unit would have within its immediate street scene, the proposal would have no unacceptable impact on the character of the area.

The proposal is in accordance with policies D SP1, D DM1 & D DM4 of the ALP, and Policy KPNP 7 of the KNP.

#### **QUALITY OF ACCOMMODATION**

The proposed dwelling has 4 No. double bedrooms. The gross internal floor space is far greater than that of the 117sqm minimum for a single storey dwelling with this capacity and the proposed section drawing identifies substantially greater floor to ceiling heights than 2.3m throughout the habitable floors of the property. The dwelling also features an extensive external garden area in excess of the standards identified by Section H of the Arun Design Guide.

The proposed dwelling is, therefore, compliant with policies QE SP1 & D DM2 and the Arun Design Guide.

#### **NEIGHBOURING RESIDENTIAL AMENITY**

By virtue of the reduction in scale, comparable siting to the existing unit, and lack of a first-floor, the

proposal will not give rise to any unacceptable overbearing, overshadowing, or overlooking impacts on neighbouring dwellings.

The proposal is in accordance with policies QE SP1, D SP1 & D DM1 of the ALP, and Policy KPNP 7 of the KNP.

#### **BIODIVERSITY & ECOLOGY**

The proposal is exempt from achieving a Statutory Biodiversity Net Gain under the self-build exemption but is still required to achieve a biodiversity net gain in line with Policy ENV DM5 of the ALP.

The proposal has submitted a Bat Survey Report which found no bats within the relevant buildings. It has noted some moderate commuting and foraging activity within trees on site, but The Council's Ecologist has concluded that these impacts would be unacceptable, and that relevant ecological enhancements, mitigations, and compensatory planting should be secured by way of condition. They have also advised that a precautionary bat survey should be undertaken if more than one bat activity season passes between the date of permission and the relevant demolitions/planting removals are undertaken however, following discussions, it was agreed that such further precautionary surveys should only be attached in exceptional circumstances in line with guidance from central government and Natural England 'Protected species and development: advice for local planning authorities' (Last updated: October 2023). In this case, no roosts were found on site and it was not concluded to be exceptional circumstances.

The proposal includes the removal of trees T1 - T5 & TG1, tree groups SG1 & SG3, and part of hedgerow HG1. The proposal would introduce approx. 130sqm of green roof and has designated space on the proposed site plan for compensatory tree and shrub planting with the exact number and species to be agreed with the Local Planning Authority by way of condition to ensure adequate replacements are provided and achieve an overall biodiversity net gain.

Some of the trees and the part of HG1 to be lost are visible from Middle Way, but with consideration of the quantity of surrounding planting that would remain, the limited visibility of these features from the wider area, and the compensatory planting to be secured, their loss would not unacceptably prejudice public amenity. It should also be acknowledged that the site is an existing residential garden with no policy constraints with respects to trees.

Subject to relevant conditions, the proposal is in accordance with Policy ENV DM5 of the ALP, and Policies KPNP 4 & KPNP 7 of the KNP.

#### **DRAINAGE**

As a replacement dwelling that is not within an area of specific surface water drainage concern, the proposal is not subject to particular drainage requirements and the footprint of the dwelling will be addressed at the Building Regulations stage. However, Policy W DM3 of the ALP still requires development proposals to incorporate permeable/porous parking areas and driveways. The proposal includes a large forward driveway and parking area that would result in a large increase of hardstanding. In line with Policy W DM3 of the ALP, a condition has been attached to this decision to ensure the front driveway and parking area are constructed of a porous/permeable surface to help manage onsite surface water management.

The proposal is in accordance with policies W DM3 of the ALP and Policy KPNP 7 of the KNP.

#### **TRANSPORT & PARKING**

The proposal increases on-site parking provisions above the minimum requirements of the Arun Parking Standards and utilises the existing access point. It also includes the provision of an EV Charging Point which will be secured by way of condition.

The proposal is in accordance with Policy T SP1 of the ALP, the Arun Parking Standards, and Policy KPNP 7 of the KNP.

#### ENERGY EFFICIENCY & CLIMATE CHANGE

Policy ECC SP2 requires all new residential and commercial development to be energy efficient and to demonstrate how they will achieve energy efficiency measures that reflect the current standards, use design and layout to promote energy efficiency, and incorporate decentralised, renewable, and low carbon energy supply systems such as solar panels. The inclusion of energy efficient materials such as double glazing is expected, and the dwelling is likely to be much more energy efficient than the existing dwelling on site. The roof of the dwelling has also been illustrated to include the provision of numerous solar panels. To ensure that adequate decentralised, renewable, and low carbon energy supply systems are provided, a condition has been attached to this decision.

Subject to the relevant condition, the proposal is in accordance with Policies ECC SP2 of the ALP and KPNP 7 of the KNP.

#### HERITAGE

'Painters Keep', also known as 'The Tower' or 'Old Water Tower' is a Locally Listed Building (Non-Designated Heritage Asset). Its contribution to the character of the area and setting of the host property is notable. Painters Keep is the focal point of this cul-de-sac. Upon entering, its design draws the attention.

Policy HER SP1 of the ALP states that Non-designated heritage assets, including locally listed heritage assets and their settings, will need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment; Development likely to prejudice any of the above, including their settings, will be refused. This is bolstered by Policy KPNP 7 of the KNP that also states this asset should be preserved in accordance with policy in the NPPF.

Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposal would use architectural features, style, and materials that produce a stark contrast to the character of Painters Keep and would have some detractive impact on its setting as a result. It is acknowledged however, that the asset is abutted by a 'barn-style' dwelling to the west side that establishes a contrast of character with buildings in its immediate vicinity. Of course, the proposed unit would be of a more modern character than either the asset or its immediate neighbour, but within the context of the street scene, the proposed unit would sit low and not be visible within the setting of the asset unless stood adjacent to the access of the proposal site.

The redevelopment of the site would result in a more energy efficient building with significant sustainability benefits will help optimise the sites effective use as a residential unit. On balance, and with consideration of the mitigating factors, the benefit of the proposal outweighs the limited harm identified to the setting of Painters Keep.

The proposal would have some prejudicial impact on the setting of Painters Keep (Old Water Tower) contrary to Policy HER SP1 of the ALP but remains acceptable for the reasons outlined above in accordance with the NPPF and Policy KPNP 7 of the KNP.

#### SUMMARY

The proposal is in accordance with relevant Development Plan policies and as such, it is recommended for approval subject to the following conditions and informatives.

### **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 positive impact on the protected characteristics.

### **CIL DETAILS**

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply). The total liability has not yet been calculated but it should be noted that 25% of the total will be allocated to Kingston Parish Council.

### **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 Plan P001.
- Block Plan as Proposed P203 A.
- Site Plan as Proposed P204 A.
- Ground Floor Plan as Proposed P205.
- Roof Plan as Proposed P206.

- Garage Plans and Sections as Proposed P211.
- South & West Elevations as Proposed P207.
- North & East Elevations as Proposed P208.
- Section AA & BB as Proposed P209.
- Section CC & DD as Proposed P210.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D SP1 and D DM1, and Kingston Neighbourhood Development Plan Policy KPNP 7.

3 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Biodiversity Enhancement Statement (Produced by ABL3 Architects, Accepted: 03/12/24), and compensatory planting (including species, quantity, and size), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats on site, and achieve a biodiversity net gain in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF 2024 and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

4 The development hereby approved shall be undertaken in accordance with the recommendations set out within Section 5.5 & 5.6 of the 'Bat Survey Report 24-069' produced by Animal Ecology & Wildlife Consultants and Dated: November 2024.

Reason: To ensure the works adequately mitigate against potential impacts to protected species on site and within the area in accordance with Aru Local Plan Policy ENV DM5.

5 The development hereby approved shall be undertaken in accordance with the submitted 'Arboricultural Appraisal Report DEV240711-1194' produced by MWA Arboriculture (Dated: 08/08/2024).

Reason: For the avoidance of doubt and to ensure adequate protection of trees, shrubs, and hedgerows proposed for retention during the development in accordance with Arun Local Plan Policies D DM1 & ENV DM5.

6 The front driveway and external parking spaces hereby approved shall consist of porous/permeable materials.

Reason: To ensure adequate management of surface water drainage onsite in accordance with Arun Local Plan Policy W DM3 and Kingston Neighbourhood Development Plan Policy KPNP 7.

7 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained

in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

8 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of the dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

9 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission relates to a development which consists of no more than 9 dwellings; is carried out on a site which has an area of no larger than 0.5 hectares; and consists exclusively of dwellings which are for self build or custom housebuilding.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

11 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.