

Recommendation Report for Planning Permission

REF NO: LU/98/15/PL

LOCATION: Land to the rear of 25 Peregrine Road fronting
Timberleys
Littlehampton

PROPOSAL: Proposed dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for a 3 bedroom detached dwelling. The application includes an attached garage with vehicular access from Timberleys.
SITE AREA	0.037 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	27 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	There are several relatively mature trees on the site boundaries, but none are of particular merit or worthy of individual retention.
BOUNDARY TREATMENT	Close boarded fencing to approximately 1.8m to north and along site frontage.
SITE CHARACTERISTICS	The application site forms part of the rear garden to 25 Peregrine Road which is a relatively large detached 2 storey dwelling. A public footpath adjoins the site to the north.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type and style.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning
Engineering Services Manager

Engineers (Fluvial Flooding)

Consultations responses received:

Engineers - No Objection standard condition requested

County Highways - No Objection. Parking is up to standard. Conditions requested relating to access and cycle parking.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

The Form of New Development
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design

PLANNING POLICY GUIDANCE

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. There are no specific policies in Littlehampton Neighbourhood Plan relating to this type of development.

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 site lies within the built-up area boundary where residential development is acceptable in principle subject to development control criteria being met.

CHARACTER

Policy GEN7 of the Arun District Local Plan requires development proposals to display a high quality design and respond positively to the identified characteristics of the area. The proposed dwelling has been designed to replicate the appearance of the existing dwellings to the north and is acceptable in terms of plot size and has adequate rear amenity area. The external space standards set out in policy DDM3 require new 3 bedroom detached dwellings to have minimum rear garden depths of 10m and useable private amenity space (excluding parking and turning areas) of 85 sq metres. The garden area is 142 sq m and therefore exceeds the standard and the depth is 10m at its widest point.

The dwelling is set back 4m from the site frontage to preserve the character of the area and would

match the appearance of the detached dwellings to the north. Whilst it would be closer to Timberleys than the existing dwelling by approximately 1m it would be set back behind the existing grass verge retaining a significant gap to the road frontage at the entrance to Timberleys. The dwelling would be visually integrated into the street scene given its staggered position which reflects the pattern of development in the locality. The plot size would be comparable with others to the north.

The proposal complies with the internal space standards in that the gross internal floor area is 111 sq m which is compliant with the requirement for a 3 bedroom 6 person unit as set out in policy DDM2 of the Emerging Local Plan.

The proposal does include the felling of numerous trees. The fruit trees in the centre of the site cannot be seen from outside the site and the trees located on the site boundaries are not of any particular merit. They are readily visible in the street scene and form a buffer to the footpath but are not worthy of retention in the long term. An informative is suggested regarding timing of felling and landscaping scheme has been imposed to ensure some replacement planting occurs.

RESIDENTIAL AMENITY

The proposed layout will have no significant impact upon adjoining properties being sited well away from site boundaries. A gap of 10m will be retained to the rear boundary which is adequate to prevent any adverse overlooking to the adjacent rear garden. The dwelling to the north, 1 Timberleys is sited behind the proposed dwelling and overlooking would only occur to the front garden area where privacy would not be expected. In any case 10m is provided to the side site boundary which is considered an acceptable distance to preclude adverse overlooking.

The addition of first floor windows in the south elevation of the dwelling in the future would result in adverse overlooking of the host dwelling's rear garden and a condition is therefore suggested to prevent further windows from being provided.

The proposal would be overbearing on the host dwelling, but this dwelling would still have a large rear garden with a 10m depth and 23m width. This would prevent any overbearing from causing material harm. The distances to site boundaries with neighbouring properties are also adequate to prevent harmful overbearing effects resulting.

The application is therefore recommended for approval subject to the following conditions

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 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

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 Block/site plan, 14/4177/1 and 14/4177/2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 4 The building shall not be occupied until the cycle parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of cycles in the interests of sustainability in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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.

- 6 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 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.
- 7 INFORMATIVE: The applicant is advised to provide a gravel trap or area of block paving, or other bound material, at the point of access onto Timberleys on land within their control to prevent dispersal of material onto the public highway.
- 8 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.