

Recommendation Report for Planning Permission

REF NO: R/131/17/PL

LOCATION: Land Adjacent Abbots Lodge
85 The Street
Rustington

PROPOSAL: 6 No. one bed apartments. This application affects the character & appearance of the Rustington Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the construction of a detached three storey development providing 6 no. one bedroom apartments.
SITE AREA	Approximately 0.08 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	The proposed development will have a density of approximately 75 dwelling per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site is boarded by trees along the northern, eastern and southern boundaries of the site.
BOUNDARY TREATMENT	The front boundary of the site consists of a 1.5m high brick and flint wall, with the rear and side boundaries of the site consisting predominantly of mature hedging and trees.
SITE CHARACTERISTICS	The site is garden land located to the west of Abbots Lodge a Grade II Listed Building which was originally the Vicarage to St Peter and St Pauls Church to the east of the application site. The site is now operated as a dentists surgery with associated car parking situated to the north of the garden behind the front boundary wall. The application site also falls within the Rustington Conservation Area.
CHARACTER OF LOCALITY	The character of the locality features a mixture of commercial, residential and religious uses. Development to the west of the application site falls within the Conservation Area with a number of listed buildings and buildings of special character in close proximity. Development to the north of the application

site is predominantly two storey with retail and commercial uses located at ground floor level and residential above. Immediately to the east of the application site is Rustington Baptist Church with the high street situated beyond this is again characterised by retail uses at ground floor level and residential/office uses above. To the south of the site is The Grangeway a residential street featuring two storey terraced and semi-detached dwellings.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection;

(a) this type of infill development would set a precedent for similar infill development. The cumulative effect of which would alter the character of the locality to the serious detriment of the amenities of the area.

(b) The proposal, by virtue of its height and mass would be detrimental to the visual amenities of neighbouring property and would constitute over-development of the site.

(c) The proposal is in conflict with Policy 2 of the Rustington Neighbourhood Plan.

(d) The proposed development would appear out of character with the locality and would adversely impact upon the street scene.

(e) The proposal would give rise to unacceptable harm to highway safety.

(f) The proposed development would have an unacceptable impact upon the character of the Rustington Conservation Area.

(g) The proposal would place unacceptable pressure on an already overloaded sewerage system.

Should permission be granted it is requested that a Construction Management Plan is prepared.

10 No. letters of objection:

- Application would be severely detrimental to the look and character of the adjacent listed building.
- The access is far too close to existing busy junctions.
- Character of the Conservation Area would be much further diminished by this development.
- The existing buffer the site provides between the busy shopping centre and the Conservation Area is vital to preserve the area's character.
- The proposed development would give rise to unacceptably adverse harm to the residential amenity of properties to the south of the site.
- Loss of the flint wall to create the proposed access would adversely impact upon character of the Conservation Area.
- Proposal would have a significant presence within the street scene.
- Proposed development would give rise to noise and disturbance.

- The vehicular movements associated with the development would pose a risk to pedestrians and highway users.
- Proposed development will conflict with paragraph 64 of the NPPF.
- Proposal will constitute overdevelopment.
- Proposal will give rise to unacceptable overlooking.

Comments on Representations received:

Comments noted and will be considered in the conclusion to this report.

CONSULTATIONS

Listed Building Officer
Engineering Services Manager
WSCC Strategic Planning
Engineers (Drainage)
Conservation Officer
Arboriculturist

Consultations responses received:

Engineers (Drainage):

- Please apply conditions ENGD2A, ENGD5A and ENGD5B.

Conservation Officer:

Comments received 19.07.2017 -

- The application site acts as a buffer between the historic built form to the west and modern development to the east, and the space is clearly reminiscent of its original garden use.
- Its undeveloped nature is important to an understanding and appreciation of the listed building, and any form of development in such close proximity will diminish the significance of the heritage asset.
- The assertive form of the new building will compete with - and detract from - Abbots Lodge
- Due to the alignment of the respective ridges, the new development appears to dominate the heritage asset and diminish its pre-eminence.
- The gap between the listed building and the modern development to the east lends definition to the eastern edge of the Conservation Area and acts as a buffer between disparate built forms.
- Development blurs the distinction between designated and undesignated townscape and is thus contrary to Historic England's guidance which identifies clear boundaries are essential in the designation of a Conservation Area.
- The proposal intensifies the level of development on the edge of the Conservation Area and the built form intrudes into views to and from the designated area.
- The proposal harms the locally distinctive qualities of the street scene and diminishes the significance of the Conservation Area as a whole.
- Proposal conflicts with paragraph 137 of the NPPF.
- Proposal is contrary to paragraph 132 of the NPPF.
- Proposal is recommended for refusal in accordance with policy AREA2 of the Arun District Local Plan and Policy HER DM1 and HER DM3 of the emerging Local Plan.

Comments received 02.11.2017 -

- Although parking is present on part of the garden, it still reads as a garden, and provides a green buffer between the range of historic buildings in the Rustington Conservation Area to the west and the C20th shopping parade.
- The proposal would compromise the special character of the Conservation Area as overly dominant in terms of its massing and siting within the plot. The proposal would also be highly visible looking into the Conservation Area from the Grangeway, Claigmar Road and looking east

along The Street.

- The proposal is visually dominant in relation to the heritage asset, its setting and that of the Conservation Area. The proposal is of three storeys which is more than is typical in the area, with rendered finish and general detailing - including white metal balconies - is considered both out of character with the surroundings and failing to make a positive contribution to the Conservation Area.
- In addition to the proposed building it is intended to breach the historic flint wall to make a new vehicular and pedestrian access; the creation of 10 no. parking spaces and the erection of street facing timber cycle/bin store. It is considered that the hard landscaping, lighting and paving surrounding the proposed building would be detrimental to the setting of the listed building and the character of the Conservation Area.
- Therefore, it is considered that the proposed development will conflict with policies GEN7 and AREA2 of the Arun District Local Plan; and policies HER SP1 and HER DM1 of the emerging Arun District Local Plan; and paragraphs 132 and 137 of the NPPF.

West Sussex County Council Strategic Planning

- No objection is raised in principle to the proposal. However, more information should be submitted regarding the new access onto the Street.
- 1) Visibility Splays from access
 - 2) Disabled parking space
 - 3) Cycle parking spaces
 - 4) Construction Management statement

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary
Conservation Area
Listed Building Grade II

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN12
GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Parking in New Development
Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
HER DM1 Listed Buildings
HER DM2 Locally Listed Buildings or
Structures of Character
HER DM3 Conservation Areas
HER SP1 The Historic Environment
SD SP2 Built-Up Area Boundary
WM DM1 Waste Management

PLANNING POLICY GUIDANCENPPF
NPPGNational Planning Policy Framework
National Planning Practice Guidance**SUPPLEMENTARY POLICY GUIDANCE**SPD2
SPD9Conservation Areas
Buildings or Structures of Character**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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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 Rustington Neighbourhood Plan has been made and policy 2 is considered relevant to the determination of this application.

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 the visual amenities of the locality and the established character of the surrounding area.

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it would have a materially adverse affect on the setting of the Grade II Listed Building and the character of the Conservation 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 situated within the built up area boundary of Rustington as defined by policy GEN2 of the Arun District Local Plan. Therefore, the principle of development is acceptable in this location subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be policies AREA2 and GEN7 of the Arun District Local Plan; policy 2 of the Rustington Neighbourhood Plan; the National Planning Policy Framework; and policies D DM1, D DM2, D DM3, D DM4, D SP1, HER DM1, HER DM3 and HER SP1 of the emerging Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The application seeks permission for the construction of a three storey building providing 6 no. one bedroom flats with associated works for the creation of an access onto The Street and parking provision for 10 vehicles forward of the primary elevation.

The proposed development will be situated on garden land located to the east of Abbots Lodge (Grade II Listed Building) and is garden land associated with the former vicarage. Abbots Lodge is currently operated as a dentists surgery and a portion to the north of the garden has been tarmacked and provides parking in association with the dentist. By virtue of the 1.5m high flint and brick wall and mature planting which runs along the northern boundary of the site the existing parking area has a limited presence within the street scene and as such the site when viewed from the north appears largely undeveloped and provides a visual break between Abbots Lodge and neighbouring development.

By virtue of the tree screening present on the eastern boundary of the site and the trees present to the west of the application site (to south of The Street) the proposed development will be obscured from view from further to the east and west of the application site.

The proposed building will measure approximately 9m in height (approximately 400mm below maximum ridge height of Abbots Lodge to the west), with an eaves height of 6.5m. The proposed development will feature rendered elevations, clay tiled roof, with white metal balconies at first floor level.

It is considered that the proposed development by virtue of the materials proposed reflects the character of the wider locality of the site. Similarly, the scale of the proposed development is considered to appear in keeping with that situated to the north of The Street. Whilst, the proposal will constitute infill development a separation distance of 6m will be retained at first floor level which exceeds that present elsewhere within the immediate locality.

Therefore, it is considered that the proposed development by virtue of its design will appear in keeping with the character of the wider locality in accordance with policy GEN7(ii) of the Arun District Local Plan. However, it must be considered that the application site falls within the Rustington Conservation Area and the impact of the development upon the character of the Conservation Area will be considered later in this report.

The proposed units will have a gross internal floor area of approximately 48.15m² exceeding the minimum standard for a 1 bedroom flat specified within the Nationally Described Space Standards. Therefore, it is considered that the proposed development would accord with policy D DM2 of the emerging Local Plan.

RESIDENTIAL AMENITY

The proposed development will be situated approximately 16m from the southern boundary of the site, with the nearest residential property to the south (39 The Grangeway) situated approximately 21.5m away. Given the separation distance to the south of the proposed development and the 3m high mature planting present along this boundary it is considered that the proposal will not result in any unacceptably adverse overlooking to the south of the site.

The windows on the eastern elevation of the proposal will face towards the Rustington Baptist Church and the mature tree screening along the eastern boundary of the site. Therefore, it is considered that there will be no unacceptably adverse overlooking impacts in this direction.

Three windows are proposed on each floor of the western elevation serving the bathroom and sitting room of apartments 2, 4 and 6. Abbots Lodge features a number of first floor windows on its eastern elevation and given the separation distances of 6m between the proposed development and Abbots Lodge it is considered that there is the potential for unacceptably adverse overlooking. However, it is considered that given that the sitting room windows will be secondary, that a condition restricting these windows to being obscurely glazed and non-opening below 1.7m will protect the residential amenity of existing and future occupiers of the site.

It is considered that the proposed development by virtue of its siting and design will not give rise to any unacceptably adverse overbearing or overshadowing impacts on neighbouring properties. Therefore, it is considered that the proposed development would accord with policy GEN7(iv) of the Arun District Local Plan.

The site is also considered to make provision of sufficient outdoor amenity space to meet the requirement of Policy D DM3 of the emerging Arun District Local Plan. Policy D DM3 would require the provision of 28m² of amenity space which has been provided by the proposed development.

HIGHWAYS, PARKING AND ACCESS

The proposal has been considered by West Sussex County Council (Strategic Planning) who have raised no objection to the principle of the proposed development. It was identified in their consultation response that further information is required in relation to visibility splays, provision of disabled parking, cycle parking provision and a construction management plan. However, it was identified that this information could be adequately secured through the use of conditions.

Therefore, it is considered that the proposed development would not result in a severe impact upon the safe operation of the highway network and would accord with paragraph 32 of the National Planning Policy Framework.

CONSERVATION AREA

The proposal has been considered by the Council's Conservation Officer who has stated that the proposed development would fail to preserve or enhance the character of the Conservation Area in conflict with policy AREA2 of the Arun District Local Plan.

The garden to the east of Abbots Lodge and the existing gap in development has been identified as integral to the character of the Conservation Area - providing a buffer between the parade development to the east of the site and the Conservation Area. Historic England advice identifies that clear boundaries are essential in the designation of a Conservation Area and in this case the infill development will erode the locally distinctive qualities of the street scene and diminishes the significance of the Conservation Area as a whole.

The proposal includes for the demolition of a 4.6m section of the flint and brick wall adjacent to The Street. The flint walling makes a significant contribution to the character of the Conservation Area and it is considered that its loss will fail to preserve or enhance the character of the Conservation Area. The loss of this flint wall would also open up views into the proposed parking area further harming the character of the Conservation Area.

Therefore, it is considered that the proposed development fails to acknowledge the character of the Conservation Area in conflict with policy AREA2 of the Arun District Local Plan; policy 2 of the

Rustington Neighbourhood Plan; HER DM3 of the emerging Arun Local Plan; and paragraph 137 of the National Planning Policy Framework.

LISTED BUILDING

The proposed development is situated to the east of Abbots Lodge - it has been identified by the Council's Conservation Officer that the undeveloped nature (of the former Vicarage garden) is important to an understanding and appreciation of the listed building, and any form of development in such close proximity will diminish the significance of the heritage asset.

This impact of the proposed development is considered to have been enhanced by virtue of the assertive design of the proposal which will appear visually dominant and distract attention from the Grade II listed building (Abbots Lodge).

Therefore, it is considered that the proposed development will fail to conserve or enhance the historic environment or the setting of the listed building in conflict with policy 2 of the Rustington Neighbourhood Plan; policies HER SP1 and HER DM1 of the emerging Arun Local Plan and paragraph 132 and 137 of the National Planning Policy Framework.

SUSTAINABILITY

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. Below I set out the assessment in respect of the three roles of sustainability as identified in the NPPF.

Environmental Role -

Government Planning policy is to encourage appropriate development in a location that will enable a reduction in the need to travel, particularly by private car and that planning should contribute to reducing emissions and reduce climatic change.

The application is situated within the built up area boundary with shops and facilities situated within acceptable walking distances and the nearest bus stop situated immediately adjacent to the site.

However, it is considered that the proposed development by virtue of its massing, scale and siting will give rise to an unacceptably adverse impact upon the setting of the listed building and the character of the Conservation Area. It is considered that the impact of the proposal upon the nearby heritage assets would carry significant weight and would outweigh the benefits of the schemes location resulting in a conflict with paragraph 7 of the National Planning Policy Framework.

Social Role -

The proposed development will provide 6 no. residential units making a contribution towards the significant shortfall in housing land supply within the Arun District.

Economic Role -

The proposed development will provide jobs during development making a limited economic contribution.

It is considered that on the balance by virtue of the identified harm to the character of the Conservation Area and setting of the Grade II listed building that the proposed development

would not constitute sustainable development and as such would conflict with paragraph 7 of the National Planning Policy Framework.

SUMMARY

It is considered that the proposed development will fail to conserve or enhance the character of the Conservation Area or the setting of the listed building in conflict with relevant development plan policies. As such, the application is recommended for refusal for the reasons set out below.

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), 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 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

REFUSE

- 1 The proposed development by virtue of its massing, scale and siting will fail to preserve or enhance the character of the Rustington Conservation Area in conflict with policy AREA2 of the Arun District Local Plan; HER DM3 of the emerging Arun Local Plan; and paragraph 137 of the National Planning Policy Framework.
- 2 The proposed development by virtue of its massing, scale and siting will have an unacceptably adverse impact upon the setting of the Grade II Listed Building (Abbots Lodge) contrary to policies HER DM1 and HER SP1 of the emerging Arun Local Plan; policy 2 of the Rustington Neighbourhood Plan; and paragraphs 132 and 137 of the National Planning Policy Framework.

- 3 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.