

Recommendation Report for Planning Permission

REF NO: R/219/17/PL

LOCATION: St. Marys Close
Hurst Road
Rustington
BN16 3AP

PROPOSAL: Erection of 1 No. dwelling (resubmission following R/64/17/PL). This application affects the character & appearance of the Station Road, East Preston Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the erection of 1 no. dwelling following the refusal of application R/64/17/PL which sought permission for the demolition of the existing dwelling on site and the erection of 4 dwellings on the site.
SITE AREA	0.23 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of mature planting to approximately 2.5m in height with the rear and side boundaries consisting of close boarded fencing, picket fencing and mature planting.
SITE CHARACTERISTICS	The site is occupied by a large detached two storey dwelling with rendered elevations and a tiled roof. A detached garage is situated to the west of the host dwelling with gardens located to the east and south of the existing dwelling.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential and features properties of various design and styles. Dwellings in the immediate vicinity of the host dwelling are predominantly large detached properties in large plots. Immediately to the north of the site are bungalows and chalet bungalows of various designs and styles set within large plots and set back from the highway.

RELEVANT SITE HISTORY

R/64/17/PL	Demolition of 1 No. dwelling & erection of 4 No. dwellings. This application affects the character & appearance of the Station Road, East Preston	Refused 08-08-17
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Conservation Area.

Planning permission was previously refused under reference R/64/17/PL for the demolition of the existing dwellinghouse and the erection of 4 no. dwellings on the site. This application, which is currently under appeal, was refused as the proposed development was considered to be over development and out of character with the immediate locality in conflict with policy GEN7 of the Arun District Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objection.

1 No. letter of representation received:

- Proposed dwelling should be moved forward on the site to provide better alignment with the existing building line.
- Relocation of the dwelling would reduce overshadowing of neighbouring properties.
- Relocation would maximise benefit of south facing garden.
- The western boundary of the site should be straight.
- Windows on the western elevation will overlook existing residential dwelling.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

CONSULTATIONS

Engineers (Drainage)

Engineers (Drainage)

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Surface Water Drainage:

- The applicant is now proposing a single dwelling, which is outside the Lidsey Catchment Area. Therefore, the drainage design will be left to Building Control to check at the relevant time.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built up area boundary

DEVELOPMENT PLAN POLICES

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

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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.

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 taking 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 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 situated within the built up area boundary where the principle of development is considered acceptable subject to accord with relevant development plan policies. In this case the key policy considerations are considered to be GEN7 of the Arun District Local Plan; Policy 2 of the Rustington Neighbourhood Plan; and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposed development will provide 1 new dwelling on garden land to the east of St Marys Close, Hurst Road. This will result in a site density of approximately 8dph which is considered in keeping with the established character of development along Hurst Road.

The proposed two storey dwelling will feature 4 bedrooms and an integrated double garage, with an eaves height of approximately 5.75m and a maximum ridge height of 8.8m. Hurst Road is characterised by dwelling of various designs and styles and it is considered that the proposed dwelling will appear in keeping with the established character of the immediate locality by virtue of its design, scale, massing and siting.

Full details of the materials proposed to be used in the development have not been provided and as such a condition has been included with this recommendation report requiring their submission for approval to ensure that they reflect the character of the locality in accordance with policy 2 of the Rustington Neighbourhood Plan.

The proposal will be set back approximately 16.9m from Hurst Road and will retain acceptable separation distances to the east and west. Therefore, it is considered that the proposed development will not have an unacceptably adverse impact upon the spatial pattern or character of the street scene.

Therefore, it is considered that the proposed dwelling will accord with policy GEN7(ii) of the Arun District Local Plan and Policy 2 of the Rustington Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed dwelling will feature no windows at first floor level on the eastern elevation and 3 no. windows at first floor level on the western elevation. However, these windows will all serve bathrooms and as such a condition will be imposed requiring them to be obscurely glazed and non-opening below 1.7m from the floor level from the room in which the window is installed. This condition will prevent any unacceptable adverse overlooking to the west of the site.

The proposal will feature a number of windows on the eastern and western elevation at ground floor level but these windows are not considered to give rise to any unacceptably adverse overlooking of neighbouring properties.

The first floor windows on the rear elevation of the dwelling will only give rise to oblique views of the rear gardens of neighbouring properties and this relationship is considered acceptable in residential developments,

The proposed dwelling by virtue of its siting is not considered to give rise to any unacceptably adverse overbearing or overshadowing of the neighbouring properties. The two storey element of the dwellinghouse will be situated approximately 8m from the eastern boundary of the site. There will also be a separation distance of approximately 10m between the proposed dwelling and St Marys Close to the west.

The property by virtue of its siting has also been set back from the first floor window situated on the western elevation of L'Arbi to the east and this has further avoided any adverse overbearing impacts between the proposed dwellinghouse and immediate neighbours.

Therefore, it is considered that the proposed development will accord with policy GEN7(iv) of the Arun District Local Plan.

The rear garden for the proposal will measure approximately 14.39m in depth and will exceed the external amenity space standards specified by policy D DM3 of the emerging Local Plan. Similarly, the gross internal floor area of the proposed dwelling will exceed the Nationally Described Space Standards and as such will accord with policy D DM2 of the emerging Local Plan. Therefore, the proposed development is deemed to accord with paragraph 17 of the NPPF.

NPPF TEST ON SUSTAINABILITY

Paragraph 49 of the NPPF states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable

development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". This applies in the case of Arun and its housing supply policy GEN5 is therefore out of date.

Para 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'

It goes on to say that where the development plan is out of date, planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Para 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

The sustainability assessment for this proposal is as follows:

Environmental Role -

The application site is situated within the built up area boundary. The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances. These guidelines identify a maximum walking distance of 800m for Town Centres, 2,000m for commuting and 1,200m for school and elsewhere. The development is situated within acceptable walking distances for the following services and facilities;

Willow Green Surgery - Approximately 250m

Station Parade - Approximately 326m

Angmering Train Station - Approximately 420m

East Preston Infant and Junior Schools - Approximately 716m

The nearest operational bus stop is located on Station Road approximately approximately 100m from the site.

It is considered that the proposed development is sustainable in terms of its location and by virtue of its compliance with policy GEN7(ii) is considered to constitute sustainable development in terms of its environmental role.

Economic Role -

It is considered that the proposal will result in localised economic benefits through the need to employ people to carry out the development. The proposal will also result in an increase in Council Tax receipts and new homes bonus payment.

Social Role -

It is considered that the proposed development will help to meet the significant shortfall in housing supply currently faced by the Local Authority and this is deemed to weigh in the scheme's favour in terms of its social benefits.

The proposed development is therefore considered to constitute sustainable development in accordance with paragraph 7 of the NPPF.

HIGHWAYS AND PARKING

The previous scheme for 4 dwellings was considered by WSCC Strategic Planning and no objections were raised in relation to the development. This scheme will utilise the same existing access as that

proposed under R/64/17/PL and given the reduction in the number of units proposed it is considered that the development will not result in 'severe' impacts and would not be contrary to Paragraph 32 of the National Planning Policy Framework.

The proposed development will provide 2 no. parking spaces on the driveway as well as a double garage which will exceed the parking requirements of the WSCC parking demand calculator. Therefore, it is considered that the impact of the proposal upon the operation of the highways network will be acceptable. The proposed double garage will measure 6m in width and 6.5m in depth which will provide adequate storage space for bicycles as well as 2 cars, ensuring that alternative sustainable transport options are available to future occupiers.

DRAINAGE

The proposed scheme has been considered by the Council's Drainage Engineers who have raised no objection in relation to the scheme. Identifying that drainage design will be the responsibility of Building Control.

SUMMARY

The proposed development is deemed to accord with relevant development plan policy and as such is recommended for approval subject to the below conditions.

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 neutral impact on the protected characteristics.

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 - 170829/SL Rev A
- Proposed Elevations - 170829/EL
- Street Scene - 170829_SS-02
- Drainage Strategy - 502-00 Rev B

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 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The 3 no. windows situated at first floor level on the western elevation of the dwelling shall in perpetuity be obscurely glazed and non-opening below 1.7m from floor level of the room in which the window is installed.

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

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure adequate parking provision is provided for the proposed development in accordance with policy GEN7 of the Arun District Local Plan and the NPPF.

- 6 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 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.