

Recommendation Report for Planning Permission

REF NO: R/230/19/PL

LOCATION: Springfield House
Springfield Close
Rustington
BN16 2SZ

PROPOSAL: 1 No. dwelling and swimming pool (part resubmission following R/91/17/PL & R/204/18/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks approval to changes to the recent approval for the dwelling approved on Plot 1 under R/91/17/PL which was subsequently amended under R/204/18/PL. The alterations to the house permitted under R/204/18/PL include the addition of a balcony on the south elevation, additional skylights (4 on the front south elevation, 1 in the west), revised fenestration and materials. This application also proposes an outdoor swimming pool to the Northwest of the site. The proposal originally submitted included the alteration from a double to a triple garage with ancillary accommodation above and resited it in the north east corner of the site. This element of the proposal has subsequently been deleted from the application.
TOPOGRAPHY	Predominantly flat.
TREES	Some of the trees within the site are covered by a Tree Preservation Order. None are adversely affected by the proposed development.
BOUNDARY TREATMENT	Hedging to approx. 2-3m is located along site boundaries
SITE CHARACTERISTICS	The dwelling is nearing completion. The application site comprised part of the garden area to a large detached dwelling with painted brick and stonework elevations of 2 storeys with gardens to the front, rear and sides. The site is now severed from the original host property.
CHARACTER OF LOCALITY	The area is part of a residential street comprising a mixed character with large detached properties of mainly 2 storeys set in large plots set back from the highway with gardens to front, side and rear within a suburban environment.

RELEVANT SITE HISTORY

R/204/18/PL	1 No. dwelling with detached garage (part resubmission following R/91/17/PL).	ApproveConditionally 16-11-18
R/91/17/PL	Erection of 2 No. dwellings with 2 No. detached garages	ApproveConditionally 16-06-17
R/165/15/PL	Part demolition of existing house & construction of 4 No. new dwellings within grounds.	Refused 23-10-15
R/120/03/	Outline planning for 3no. detached dwellings	ApproveConditionally 13-08-03

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No Objection

16 Objections

- First Floor accommodation on triple garage block will directly overlook neighbouring garden and would be overbearing.
- New house is large enough. Provision of triple garage in corner of site close to boundaries would appear cramped and out of keeping.
- Developers are taking an incremental approach to the planning process.
- Loss of trees on Western boundary to create swimming pool will be intrusive to adjoining properties. Trees should be retained.
- The pool would create nuisance to 7 -8 properties by users and pumps.
- Changes to the western aspect mean the 'plant room' is now renamed and has a dormer with a view directly into neighbouring property. We note the windows to the eastern aspect are to be frosted glass and would request the same to the westerly aspect if the trees are to be removed. This will help mitigate the negative impact of this imposing development.
- South facing balcony, pool and enlarged paved area will only serve to negatively impact all surrounding properties.
- Can't read all objection letters
- Would set a precedent
- Risk of flooding
- Overdevelopment
- Will adversely affect wildlife
- Drainage study carried out in driest winter; not a true gauge of general rainfall etc.
- Size of swimming pool is inconsistent between plans. It is 6 x 10m on one plan and 6 x 12m on another.

COMMENTS ON REPRESENTATIONS RECEIVED:

The concerns relating to the garage in respect of its proximity to the boundary and overlooking from the first floor are shared. This element of the proposal has been deleted from the application.

No trees are proposed to be felled as part of this proposal.

Approval of the application would not set a precedent each application is considered on its own merits.

The Developers are seeking amendment to the proposal on site as it is being constructed, but this is not unusual and is not unacceptable practice.

The roof light windows on the western elevation is 13.5m from the side boundary and 16m from the nearest rear garden which is an adequate distance to preclude adverse over looking.

Southern Water and Engineers have no objections regarding flooding and request a condition is imposed to ensure development proceeds in accordance with the submitted drainage details.

The pool is 6m by 10m. The pool is located in the position of the approved garage and there are no additional impacts on ecology which were not previously considered.

All other matters raised will be addressed in Conclusions section of this report.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

WSCC Strategic Planning

Ecology Advisor

Environmental Health

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request an Informative is included on any approval.

Drainage Engineer - No Objection

Assuming the pool is open rather than covered, then, it will not affect the surface water drainage design. The pool will require a connection to the foul drainage system for emptying/backwash, etc reasons. Southern Water should be consulted in this respect in order to agree the connection and any associated emptying (time/flow rate) restrictions, etc.

The proposal should be constructed in accordance with the submitted Drainage Plan.

County Highways - No Objection.

This is a private road so comments are for advice only. There is no evidence to suggest that the existing access road that adjoins the closest maintainable highway is operating unsafely. The proposed garage has sufficient spaces to accommodate 3 vehicles and complies with Manual for Streets (MfS) standard for 3x6m per single garage. The hardstanding area adjacent to the garage has the sufficient space to

accommodate the shown parking spaces for two vehicles.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed off-street parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. The applicant is advised that 1 active and 4 passive EV parking spaces would be anticipated for this development and should be provided in accordance with the above WSCC guidance and Arun Local Plan Policy.

Ecology Officer - No Objection

Require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3 -5m above ground.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The precautionary approach detailed within the Badger Monitoring Survey (August 2018) which was submitted as part of the previous application for this site (R/204/18/PL) is suitable and a condition should be used to ensure this takes place.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season. Would like a bird box to be installed on the extension / and or tree within the garden of the property.

Arboricultural Officer - No Objection

The current proposed layout is going to impact on significant trees both above and below ground. Although achievable in principle by controlled facilitation pruning and adopting the tree protection measures proposed; there is nonetheless a risk that attaches during such incursion of root protection areas. As such, an auditable trail of site monitoring and supervision by the project arboriculturist will be essential. Conditions requested.

Environmental Health - No Objection.

Recommend condition is imposed limiting hours of use of pump.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The badger condition was imposed on the previous approval.

There is still the same level of parking available as was previously approved. The application does not relate to the provision of a new dwelling it relates to amendments to an already approved dwelling.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Tree Preservation Order

No public sewer

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment

[Rustington Neighbourhood Plan 2014 Policy 2](#)

Housing Design

Rustington Neighbourhood Plan 2014 Policy 4

Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS	Rustington Design statement by Rustington Parish Council
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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. 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 relevant policies of the Rustington Neighbourhood Plan have been taken into account.

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

Background

This proposal amends earlier approved permissions for a dwelling on this site within the former garden of The Spires. The application relates to alterations to fenestration, additional rooflights and provision of a swimming pool. Permission for this dwelling therefore exists and this application will focus only on the changes proposed. The proposal includes a change from a garage to a swimming pool in the north west corner of the site and therefore represents an alternative, not additional structure. If approved this application would effectively supersede the original approval if implemented.

Visual Amenity and Character

In terms of the design changes the fenestration alterations, including the addition of further roof lights are not considered to significantly change the appearance of the approved dwelling which fully responds to the context of the site, reflecting the architectural styles and massing of nearby properties as well as using high quality materials consistent with the local context. The fenestration changes do not significantly alter the appearance of the building. The addition of further roof lights reflects the principle of second floor openings established in the existing dwelling.

The site falls within 'Character Area 5' of Rustington Village Design Statement which is identified as an area 'characterised by low density large detached houses in private estates'. It is considered that the proposal is compliant with this policy on the basis that the plot size and overall design are not altered.

Policy 2 of Rustington Neighbourhood Plan relates to Housing Design and states that 'development proposals (including alterations to existing buildings) will be supported, provided that their scale, density, massing, height, landscape design, layout and materials reflect the architectural and historic character and scale of the surrounding buildings and landscape. Proposals must also comply with the parking standards adopted by the planning authority.'

The plot size and position of the dwelling are not altered and remain in keeping with the spacious character of adjoining plots and the estate generally. The swimming pool will be located within the area of the approved double garage. The only change is that the footprint is slightly larger and consequently the pool would be 1m closer to the western boundary and 1.2m closer to the northern boundary than the approved structure. It therefore retains adequate space around the property and to site boundaries.

Impact on Trees

The originally approved site layout was designed to minimise the impact on tree loss and retain preserved trees where possible. The proposal includes the retention of trees on the western boundaries of the site which provide a buffer and screening to the access and dwelling to the north which is important in terms of visual and residential amenity.

The applicant has submitted an amended site plan, dwg. no. 181303/08, Rev A, Sept 19. Off-site trees to the north have not been accurately illustrated on this or previous versions of the plan;. The Tree Officer has referred to the Tree Protection Plan, Arbortrack Systems Ltd in order to make a judgement on the likely impact of these proposals on retained trees. The fundamental amendments to the proposal are clear. Although the 3-bay garage has been removed, the pool is retained. The area of hardstanding for driveway/parking now extends slightly into the area previously identified for the garage footprint and on the RPA of off-site tree T17. The tree officer has advised that the area of 'no-dig' construction within the hardstanding needs to be extended further across RPA of T17. It will be necessary for the applicant to submit a revised Tree Protection Plan (Rev C) that reflects the amended site plan. This plan has been conditioned.

Residential Amenity

Most of the existing trees and hedgerows on site are to be retained and have been retained to retain natural barriers between the dwelling and those neighbouring the site, especially to the north and west. The addition of roof lights to the south (front) and west (side) will not significantly increase the amount of overlooking from the dwelling. Although cill heights would be provided at 1.4m, windows have been approved at first floor level in the both the rear and side elevations at first floor level. The front roof lights would be located within the roof slope and would face over front gardens where privacy is not expected. The western window would be 13.5m from the side boundary and 16m from the nearest rear garden which is an adequate distance to preclude adverse overlooking.

The pool is located 7m from the western side boundary and 10m from the closest rear garden boundary to the west of properties on Pigeonhouse Lane to the west. It would be 3m from the rear boundary with of 5a Springfield Close, to the north. Boundary screening would be retained to both site boundaries. The adjoining properties have rear garden depths exceeding 15m. Noise would be generated from the use of the pool, but this would be comparable with the noise generated from recreational use of the garden.

Noise from the swimming pool is controlled by condition which would limit any noise levels from machinery used to be kept to daytime hours only. The proposal would therefore accord with policy D DM1 of Arun Local Plan.

Highways

The proposal is acceptable to County Highways in terms of access and parking.

Drainage

Policy 4 of the Neighbourhood Plan is concerned about 'sustainable drainage' and states that 'development proposals likely to affect surface water drainage will be supported, provided they are able to demonstrate that they include one or more of the following sustainable drainage design features as appropriate for the ground conditions:

- i. Permeable driveways and parking areas;
- ii. Water harvesting and storage features;
- iii. Green roofs; and
- iv. Soakaways.'

The proposal includes two of the above mentioned sustainable drainage design features; soakaways and permeable driveways/parking areas. Surface water will be drained through soakaways in accordance with the building regulations and the parking areas will have permeable finishes. The proposal includes a Surface Water Drainage Layout. The Council's Drainage Engineer has no objection to the proposal which would accord with policy W DM3 Sustainable Urban Drainage Systems of Arun Local Plan.

Ecology

A Reptile Survey, Badger Monitoring Survey and Bat Emergence Survey were submitted as part of the earlier approval. The Council's Ecology officer was satisfied with the submitted details in relation to the Discharge of Condition application R/210/18/DOC submission and this was approved.

Conclusion

The application is recommended for approval subject to the following 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:

Location and Block Plan 181303/10 revA

Ground Floor Plan 181303/01 revA

First Floor Plan 181303/02 Rev A

Second Floor Plan 181303/03 Rev A

Elevations 181303/05 Rev B

Foul Drainage Layout 1772/F/SK4

Surface Water Drainage Layout 1772/SK13

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 Development shall proceed in accordance with the Drainage Details submitted with the application and hereby approved.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM3 of the Arun Local Plan.

- 4 The windows at first and second floor level in east elevation of the building shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above internal floor level.

Reason: To protect the amenities and privacy of the adjoining property in accordance with

policies DDM1 of the Arun Local Plan.

- 5 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the East elevation or roof of the dwelling hereby permitted which adjoins the side boundary with The Spires without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 6 Hours of operation of the machinery associated with the use of the pool shall be limited to between 08:00 and 20:00 hours daily.

Reason: In order to protect the residential amenities of adjoining properties in accordance with policies D DM1 and QE DM1 of Arun Local Plan.

- 7 The development shall proceed in accordance with the submitted badger survey submitted with application R/91/17/PL.

Reason: In the interests of animals/reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan

- 8 Before any works to create the pool or alter approved surfacing on the north side of the amended dwelling hereby approved take place, a Site Meeting shall take place between the Planning Authority's Tree Officer and the Arboricultural Expert or Site Manager representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Arbortrack Systems Ltd., Rev C, Sept 2019.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area and to ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment and Method Statement, Arbortrack Systems Ltd, ref. jwmb/rpt1/springfieldhouse/AIAAMS, 27th September 2019.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area and to ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 10 Any tree pruning considered essential by the project arboriculturist must meet the

requirements of BS3998:2010 Tree work -Recommendations:

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and they can continue to enhance the landscape and amenity of the area and to ensure retention of the preserved and important tree coverage in accordance with policies DDM1 and ENV DM4.

- 11 The development shall proceed in accordance with the Planting Plan, Landscape Scheme approved under R/204/18/PL. 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 D DM 1 of the Arun Local Plan.

- 12 The development shall proceed in accordance with the submitted Construction Management Plan 181303/01 which shall be adhered to throughout the entire construction period.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy D DM1 of Arun Local Plan.

- 13 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.

- 14 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

- 15 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.

- 16 INFORMATIVE: In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed off-street parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. The applicant is advised that 1 active and 4 passive EV parking spaces would be anticipated for this development and should be provided in accordance with the above WSCC

guidance and Arun Local Plan Policy.

- 17 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
For further information please contact the Environmental Health Department on (01903) 737555