

Recommendation Report for Planning Permission

REF NO: R/243/14/PL

LOCATION: 69 Broadmark Lane
Rustington

PROPOSAL: Demolition of the existing buildings on the site and the erection of a new building containing 5No. 2-bed flats and 1No. 3-bed flat.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal involves demolition of the existing 2 storey property and replacement with a building of similar height comprising 5 x 2 bed flats and 1 x 3 bed flats.
SITE AREA	830 square metres
RESIDENTIAL DEVELOPMENT DENSITY	70 dwellings per hectare
TOPOGRAPHY	Predominantly flat. Land to rear of site approximately 1m higher
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fence and wall on boundary to Ravenscroft. No. 67, 1m high wall close boarded fence above to rear having wall to 1m close boarded fence above to 1.8m.
SITE CHARACTERISTICS	Application property is a 2 storey detached building. Plain tile roof. Flat roofed extension to side. Gravel parking area on site frontage. No. 67 single storey pitched roof extension to side. No openings, close to boundary windows in gable at 2nd floor level. Terraced housing has no windows in side elevation. Currently access to side. Two ground floor windows and door in side elevation. 1st floor one window. Land to rear higher.
CHARACTER OF LOCALITY	Predominantly residential, characterised by a mix of dwelling type. To south detached 2 storey dwellings, to north small terraced 2 storey properties.

RELEVANT SITE HISTORY

R/69/08/	Outline application to redevelop currently unused site into new build apartments (7 no. 2 bed).	Refused 30-04-2008
R/150/08/	Erection of 6 new build apartments	ApproveConditionally 24-09-2008

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection - Undesirable intensification of residential development. Would represent a severe overdevelopment. Unneighbourly form of development prejudicial to the existing character, amenities and environment of the locality. Over dominant appearance, detrimental impact by reason of its height and mass on the residential amenities of neighbouring properties and the appearance of the street scene.

The use of the existing access to the site would lead to an unacceptable level of disturbance to the properties immediately to the south and north, namely 67 Broadmark Lane and 1 Ravenscroft. The proposal would result in an increased amount of vehicles being dependant on a single point of access and would also be likely to attract standing vehicles on the public highway which would be detrimental to the safety and free flow of traffic and add to the hazards for highway users in this vicinity to an unacceptable degree. Would set a precedent.

Two letters of objection - Although the existing building is not a thing of beauty the proposed development is too dense. It will be out of character with the locality and the parking provision is wholly inadequate. Only 6 spaces are proposed for 6 dwellings. Double this number will be needed.

Concerns regarding overlooking from roof terrace, noise from apartment entrances on the north elevation, protection of adjacent boundary wall to north, hedgerow and fencing during demolition, construction and the completed development, noise, dust and vibration during demolition and construction. If these matters can be conditioned in any approval there would be no objection.

One letter of support - New property will greatly enhance the surrounding area and alleviate many of the parking problems the inhabitants of 1-6 Ravenscroft have to endure at present.

Comments on Representations received:

Comment on Parish Council Representations - It is not agreed that the proposal represents an overdevelopment of the site. The footprint of the building would not be significantly increased and neither would its bulk. The height would be comparable with the existing building and the adjoining property No. 67. County Highways have no objection to the proposal in terms of the level of car parking provision.

Comment on other Representations - Disturbance caused by contractors and demolition is not a material planning consideration. Damage to adjoining properties is a private matter. The height of balcony screening and obscure glazing to the roof terrace to prevent overlooking would be controlled by condition. The submitted cross section details clearly demonstrate that screening would extend to 1.95m height. The noise from residents accessing the site is not considered to be significantly altered from the current situation and a

condition would not therefore be reasonable in this respect.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
WSSC Strategic Planning

Consultations responses received:

Engineers - No Objection. Conditions suggested.

County Highways - No Objection. A condition relating to cycle parking is requested

Southern Water - A foul sewer crosses the site. A condition and informative are requested.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Class C road
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)
[GEN12](#)

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

The Form of New Development
Parking in 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

NPPF

National Planning Policy Framework

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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 demolition of the existing property and rebuilding with a development of flats in this location is acceptable in principle.

Site History

Planning permission R/150/88 was granted in September 2008 for a development of 6 flats comprising 5 x 2 bedroom flats and 1 x 3 bedroom flat. The proposal seeks to amend this scheme which had a similar height, footprint and position.

Visual Amenity and Character of the Area

The existing property has been extended in the past and now has a significant site coverage, particularly to the rear. It was previously used as a nursing home and is currently in use as 4 small self contained units and 5 HMOs. The proposed flat development would be similar in appearance to the front elevation of the existing property and would retain its presence and appearance as a single dwelling house in the street scene which would retain the character of the area. The proposed building would be no higher or wider than the existing property. The height would also not exceed the existing dwelling to the north. It would be similar in depth and would result in the property being located 3.5m closer to the site frontage, but this would be similar to adjacent development and would not be out of keeping.

The gaps between the existing dwelling and the site boundaries would be little changed by the proposal. The building would have a similar design to the existing and its appearance in the street scene would not be significantly different from the existing. It is accepted that the adjoining development at Ravenscroft is 2 storey, but the replacement building ridge height is no higher than currently exists.

Residential Amenity

The proposed building would be located further forward on site than existing and would be located no closer to the site boundaries than the existing. It is considered that the altered footprint and position have no adverse effect on the residential amenities of adjoining properties. The section of the building adjacent to the boundary with 1 Ravenscroft would be single storey and the eaves height would be 2.3m with the roof pitching away from the boundary. These dimensions are considered adequate to ensure no adverse overbearing effects result to adjoining properties.

The submitted cross section details indicate that there would be no adverse overlooking effects resulting to the roof garden serving unit 6. The screening would extend to 1.95m high and it is conditioned to be obscure glazed. The proposal includes 2 windows in the side elevation of the property at first floor level facing over the garage of the adjacent dwelling. To preclude any direct overlooking of this property and its rear garden an obscure glazing condition is proposed.

The internal room sizes proposed accord with policy DDM2. The standards are at or exceeded in every case apart from unit 5 where 2 of the bedrooms are slightly below standard. However, the overall floorspace of the flat exceeds the minimum requirement.

With regard to external space standards these are exceeded with the exception of unit 4 which has no private outside amenity space, but access to 70 sq m of shared outside space.

Highway Safety and Car Parking

County Highways have no objection to the proposal in terms of parking provision or highway safety.

Conclusion

The application is therefore 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 (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).

SECTION 106 DETAILS

The application is subject to a signed affordable housing agreement relating to a commuted sum totalling £48,870

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 Drawings 6,5,3,2 and 1.

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 buildings shall not be occupied until the parking and cycle 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 vehicles and cycles.

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

- 5 The developer must advise the local authority (in consultation with Southern Water) in writing of the measures which will be undertaken to divert the public sewers, prior to the commencement of development.

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

- 6 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and 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.

- 7 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs 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.

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

- 8 The first floor windows on the north elevation of the building serving the landing and bedroom to unit 4 shall at all times be glazed with obscured glass and fixed to be permanently non-opening below 1.7m above floor level of the room in which the windows

are installed.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The roof terrace serving flat 6 shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 10 INFORMATIVE: A formal connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 3SW(Tel0330 303 0119) or www.southernwater.co.uk.
- 11 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.
- 12 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to affordable housing.