

Recommendation Report for Planning Permission

REF NO: R/267/17/PL

LOCATION: Rustington Hall Nursing Home
Station Road
Rustington
BN16 3AY

PROPOSAL: 2 storey block of 6 No Flats comprising of 4 No. 2 bed & 2 No. 1 bed flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to erect a new two storey block of six flats, three on the ground floor and three on the first floor; 2 x 1 bed two person and 4 x 2 bed three person flats together with communal amenity/garden areas and car parking spaces. The building would have a pitched roof. It is intended that residents of the proposed new sheltered flats accommodation would have access to the Oakhurst Gardens facilities. The flats are designed to be occupied by ambulant/disabled occupiers.
SITE AREA	1359 sq m
RESIDENTIAL DEVELOPMENT DENSITY	44 dwellings per hectare
TOPOGRAPHY	Predominantly flat. The site is elevated above the parking area to the west by approx. 0.5m.
TREES	Some trees on southern boundary providing screening will be lost. These trees are not considered to be worthy of a tree preservation order to retain them. Just outside the northern boundary is a silver birch which has a TPO.
BOUNDARY TREATMENT	Close boarded fencing to rear boundaries of dwellings in Paddock Green.
SITE CHARACTERISTICS	The site is vacant located within the curtilage of Rustington Hall/Oakhurst Gardens Retirement Village which comprises a group of interconnected single and two-storey buildings that are in use as a care home. It has its own designated access and on-site parking and the surrounding grounds are landscaped. Various alterations and additions have been made over time. Oakhurst Gardens is 2 storeys and lies to the north of the site and Paddock Green is also 2 storeys and lies to the east.
CHARACTER OF LOCALITY	The site is on a predominantly residential road and surrounding development consists of residential dwellings of a mixture of designs and scales as well as occasional blocks of flats.

RELEVANT SITE HISTORY

R/240/14/PL	Replacement of 44 No aluminium, timber & old PVCu windows at ground & first floor west & east elevations & 1 No door on west ground floor elevation to matching white PVCu.	ApproveConditionally 14-11-14
R/159/13/	Two storey extension to rear wing, first floor extension to existing single storey building on West Wing and removal of window and replacement with double doors in ground floor room	ApproveConditionally 23-10-13
R/109/09/	Demolition of existing entrance lobby & construction of new combined reception area, installation of new lift, lounge extension & alterations to form disabled access	ApproveConditionally 20-08-09
R/1/00/	Single storey rear extension to form storeroom. Provision of side glazing to existing front entrance canopy.	ApproveConditionally 11-02-00

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Objection

- This would set a precedent.
- The proposal would constitute an unsatisfactory form of back-land development, which would represent an over-bearing and unsympathetic appearance to the occupiers of Nos. 5, 6, 7 and 7A Paddock Green, which would be severely detrimental to their quiet enjoyment.
- The proposal, by reason of its height, mass and design, would be detrimental to the visual amenities of the neighbouring properties, namely Nos. 5, 6, 7 and 7A Paddock Green, by particular reason of overlooking and loss of privacy.
- The proposal would represent an over-development of the site.
- The proposal would give rise to an increased movement of vehicles on to and off the highway at this point, which would be detrimental to the safety and free-flow of traffic and would add to the risks of highway users to an unacceptable degree, particularly given that there is a speed camera in Station Road close to the access.

8 Objections:

- Overbearing.
- Loss of light to neighbouring properties.

- Request consideration is given to restricting use of roof and construction times if approved.
- Need for a tree lined boundary.
- Adverse impact on outlook.
- The wings of the development are unacceptable.
- Why is storage in the roof area necessary?
- Would devalue property.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal would not set a precedent there are no similarly located sites within the Convalescent Home curtilage. A cumulative effect would not result and there would be no material harm to the character or amenities of the locality.

The impact on the residential amenities of the adjacent properties in Paddock Green is considered to be sufficient to warrant refusal of the application. No 5 has a parking area between the rear boundary and the application site. No 7a has very little overlap of its rear boundary however the application fails to provide the standard back to back 22m gap between properties since nos 6 and 7 which are 21m from the rear elevation of the block would result in materially adverse overbearing and overlooking effects.

County highways have no objection to the proposal on highway safety grounds.

The properties would be flats and would have no permitted development rights so there would be no justification for restricting further extensions.

Devaluation is not a material planning consideration.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Arboriculturist
Planning and Housing Strategy
Ecology Advisor
Environmental Health
Engineers (Coastal Protection)
Engineers (Drainage)
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Apply standard pre-commencement drainage condition

Tree Officer - Suggest a Tree Preservation Order is imposed on the Silver Birch in rear garden of 7a Paddock Green.

Ecology Officer - No Objection. Informatives suggested.

There are a number of enhancements we would like to see on the site including;

- Any trees removed should be replaced at a ratio of 2:1.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat and bird boxes installed on the site.
- Grassland areas managed to benefit reptiles.
- Log piles on site.

County Highways - No Objection.

There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

There are no initial concerns with the indicative layout. The existing access and access road are due to be retained and used as a shared surface arrangement. This is considered suitable as this will be a low speed, low traffic environment. The parking allocation is in accordance with the demand from the WSCC PDC (Parking Demand Calculator).

The minimum footpath width of 1.5m is adequate and allows a wheelchair user and ambulant person to stand side by side whilst using the path.

Conditions requested.

Environmental Health - No Comment.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The requested Tree Preservation Order TPO/R/1/18 has been confirmed.

It would not be reasonable to impose a condition requiring grassland to be managed to benefit reptiles or the provision of log piles on site, but the items requested by the Ecologist would be controlled by imposition of a landscaping condition. The provision of nest boxes could be covered by a condition and would encourage and promote preservation, restoration and enhancement of biodiversity in accordance with policy ENV SP1 of Arun Local Plan.

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area Boundary.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
HDM1	H DM1 Housing mix
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
QESP1	QE SP1 Quality of the Environment
HDM2	H DM2 Independent living and care homes

[Rustington Neighbourhood Plan 2014 Policy 4](#) Sustainable Drainage

Rustington Neighbourhood Plan 2014 Policy 2 Housing Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

RDS

Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The Development Plan consists of the Arun District 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. 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.

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 residential amenities of the adjoining properties, and an adverse impact upon the visual amenities and established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS**PRINCIPLE**

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable. Policy SD SP2 of the Arun Local Plan states that development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of the Local Plan.

Arun Local Plan 2011-2031.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality) and T SP1 (Transport and Development) of the Arun Local

Plan 2011-2031. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision

Rustington Parish Neighbourhood Plan.

The site falls within 'Character Area 7 of Rustington Village Design Statement which is identified as an area 'characterised by mainly terraced houses of brick construction with predominant use of clay tile roofs and facades. The application site lies in the southern section which is characterised by relatively higher densities. It is considered that the proposal is not compliant with Policy 2 of Rustington Neighbourhood Plan (Housing Design). For the reasons set out below the position, scale and height of the development are not considered to be acceptable and would have a materially adverse impact on the visual amenities and character of the area.

Policy 4 of Rustington 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 existing site is grassed and hard surfacing is being introduced to the rear part of the site. Drainage could be controlled by conditions. Surface water will be drained through soakaways in accordance with the building regulations and policy WDM2 of the Local Plan.

NEED FOR THE DEVELOPMENT

The National Planning Policy Framework (NPPF) refers to delivering a sufficient supply of homes and para 61 identifies that the size, type and tenure of housing needed for different groups in the community including homes for older people. No evidence has been submitted by the applicant to demonstrate that there is a need for elderly accommodation in the locality, although it is accepted that this would be an ideal location to increase the provision of accommodation for the elderly in the area and it would meet the need identified in the recent SHMA study in accordance with policy H DM1 of the Local Plan.

RESIDENTIAL AMENITY

The rear elevation of the building from where the units are accessed, would be 2.9m from the rear boundary of properties in Paddock Green which is 2m high wooden fencing. The back to back distances between the proposed flats and the dwellings in Paddock Green vary between 19m and 21m. The building has one window at second floor level in the rear elevation for storage purposes, four at first floor all serving landing areas and has a ridge height of 9.5m and an eaves height of 5.3m. The building would be accessed from the north part of the site and would cover most of the length of the site. The properties in Paddock Green are 2 storeys and have staggered elevations. Given the height of the building, its length, height and proximity to the rear (eastern) boundary it is considered that it would be overbearing on nos 6, 7 and 5 Paddock Green.

The proposal would not result in a material loss of privacy from overlooking to the adjacent dwellings in Paddock Green given that the first floor windows would serve hallways and landing areas which are not

habitable rooms. The second floor window could be conditioned to be obscure glazed given that the use of this floor is described as storage.

The building proposed is essentially 3 storeys and would be only 3m from the rear boundary with Paddock Green properties. In terms of residential amenity for prospective occupiers there would be little opportunity to provide meaningful landscaping along this boundary to soften the appearance of the site. The outlook for the ground floor kitchen windows would be a 2m high fence providing an unpleasant outlook for these occupiers. The 5 windows on the first and second floor level serve hallways and a storage area meaning that their outlook would not therefore be unacceptable.

The development would be 1.9 from the southern boundary with Rustington Hall Cottage and this dwelling has a rear garden length of 17m. The proposed building would extend across most of the width of the rear boundary of the dwelling and would be 5.3m in height to the eaves and would be overbearing on this garden area. Existing planting would be removed in this area which would increase the prominence and overbearing impact of the development.

Boundary fencing would be only 1.9m from the closest window in the proposed flats. The ground floor flat in the southern end of the proposed development would have a bedroom window and secondary bedroom window facing onto the boundary fencing which would provide a harsh and oppressive outlook for the occupier of the flat.

The amenity space to serve the flats is limited. The main communal area to the west of the site would face onto a busy parking area and there would be little useable, good quality, private space around the development.

The proposal is therefore considered to conflict with policy DDM1(3) of the Arun Local Plan.

The proposed units would meet the nationally prescribed space standards of 50 sqm for a 1 bed, 2 person flat and 61sqm for a 3 person 2 bed flat. Gross internal; floor areas of the flats are 50sqm and 64.6 sq m. Each of the flats has access to a west facing patio area of 4.9sqm and all residents would share communal gardens to the front, sides and rear of the flats. The first floor flats have west facing balconies.

CHARACTER OF THE AREA

The site is currently an unused area of grassland within the Nursing Home curtilage. The footprint of the proposed building covers the majority of the site area and the development is 3 storeys in height. There are no other 3 storey dwellings in the Nursing home site or adjoining the site or buildings with fenestration/openings in the roof area at second floor. The scale of development in this locality is 2 storeys with all properties having a domestic and relatively low profile. The ridge height proposed is 9m compared with 7.5m (117 Oakhurst Gardens) and 9m (7a Paddock Green). The adverse impact of this higher ridge line is accentuated by its length. The proposed block would span the site area providing a dominant, uncharacteristically high, form of development which is out of scale with its surroundings. Although, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)) this should not be at the expense of the character and visual amenities of the locality.

The proposed terraced style development will replicate the adjacent building form, but it is the height, footprint and site coverage of the development that results in a built form that is overly prominent in this location. It would be seen from Paddock Green to the east and would appear to fill the backdrop to the dwellings and to dominate them. Rustington Hall has a range of flats in blocks within the grounds, but these have relatively low densities and landscaped settings. The proposal would have a hard surfaced pedestrian access to the rear and a 4m wide communal area to the west. Oakhurst Gardens to the north

has a landscaped strip of 7m to 15m which serves to demonstrate that the site coverage is out of keeping. Further given the larger scale of the building more land should be provided as a setting. The proposal would leave little space around it and would appear cramped and out of keeping with the more spacious character of the surrounding development and would adversely affect the setting of the Nursing Home which is a large attractive period property set within a spacious open environment. The proposal would therefore compromise the spatial characteristics of the area in conflict with policy DSP1 of Arun Local Plan.

The proposal is therefore considered to conflict with policies DSP1 and DDM1 of Arun District Local Plan.

ACCESS AND PARKING

Adequate on site parking is proposed. County Highways have raised no concerns about parking or access. On this basis no highway objections are raised. The proposal is therefore considered to accord with policy T SP1 of the Arun Local Plan.

SUMMARY

For the reasons set out above the proposal is considered to conflict with Arun Local Plan policies DSP1 and DDM1 and is therefore in conflict with policy 2 of the Neighbourhood Plan which supports proposals inside built up area boundaries provided they are suited to an urban setting and accord with provisions of the neighbourhood plan and with other relevant development plan policies

It is therefore recommended that the application is refused for the following reasons

HUMAN RIGHTS ACT

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 positive impacts have been identified upon those people with the following protected characteristics (age and disability).

RECOMMENDATION

REFUSE

- 1 Given the height, design, footprint and position of the proposal it would be cramped and out of scale with the neighbouring development, overly dominant in its setting and detrimental to the character of the area and residential amenities of adjoining premises in conflict with policies DSP1 and DDM1 of the Arun Local Plan.
- 2 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 reason for the refusal, approval has not been possible.