Recommendation Report for Planning Permission

REF NO: **R/64/17/PL**

LOCATION: St. Marys Close
Hurst Road
Rustington

PROPOSAL: Demolition of 1 No. dwelling & erection of 4 No. dwellings. 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 demolition of 1 no. dwelling and the erection of 4 no. dwellings on site.
SITE AREA	0.23 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approximately 17.39 dwelling 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

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Objection -
(i) This type of back-land/in-fill development would, if approved, make it increasingly more difficult for the local Planning Authority to resist similar proposals in the vicinity, the cumulative effect of which would be to alter the character of the locality to the serious detriment of the amenities of the area
(ii) The size and shape of the plot would not permit development of a standard compatible with the existing development in the area and, in consequence, the proposal would represent an over-development of the site
(iii) The proposal is in conflict with the Rustington Neighbourhood Plan (Policy 2: Housing Design)
(iv) The proposed new dwellings would be out of keeping with the individual and unique character of the established buildings in Hurst Road, and would most certainly have an adverse effect on the street scene
(v) The erection of 4 No. dwellings on this site would constitute an undesirable intensification of residential development, at a density which would be completely out of keeping and incompatible with the existing development in the immediate locality
(vi) The proposal to construct 2 garage blocks in front of the existing building line, would be unacceptable as they would present an obtrusive feature to the detriment of the visual amenities and established character of Hurst Road
(vii) The erection of a further 4 properties in this area, would place yet further pressure on the already over-loaded sewage and drainage system to the detriment of its effectiveness and efficiency
(viii) 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 for highway users to an unacceptable degree
(ix) The proposed development, taking account of the Hurst Road Association s Policy in respect of on-road parking, would result in standing vehicles in the already congested Station Road, which would interrupt the free flow of traffic, and thereby add to the hazards of road users at this point.

55 no. letters of objection:
· The proposed density is out of character with the locality.
· Insufficient parking provision.
· Proposed development will appear cramped.
· The design of the proposed dwellings are similar in appearance out of character with the varied dwelling design in the locality.
· Number of dwellings proposed constitutes over development of the site.
· Proposed development will adversely impact on the character of the Conservation Area
· Proposal in conflict with D DM1 and D SP1 of the emerging Local Plan.
· Proposal will adversely impact upon the character of the street scene.
· Density and plot widths out of character of Hurst Road.
· Proposal will adversely impact upon the residential amenity of neighbours.
· Development will have a terracing effect due to their cramped design.

Comments on Representations received:

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

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager
Engineers (Drainage)
Conservation Officer

Consultations responses received:

Below is a summary of the consultation responses received. Full comments are available through the Arun District Council website.

WSCC STRATEGIC PLANNING

· The road is not maintained by the Local Highway Authority (LHA), therefore comments made in reference to Hurst Road should be considered to be advice only.
· The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Hurst Road from the existing point are considered acceptable.
· Visibility from the Hurst Road junction onto Station Road is considered acceptable, there is a proportion of on street parking, however this is likely to see oncoming traffic approaching at a reduced speed.
· From a capacity perspective we are satisfied the proposal will not have a severe residual impact and could not be considered 'severe' in line with Paragraph 32 of the National Planning Policy Framework (NPPF) guidance.
· The proposed parking is considered acceptable, with spaces provided for residents and visitors. The LHA are not aware of that the previous use resulted in excess parking onto Station Road or Hurst Road; it is considered unlikely that there would be an increase in on-street parking as a result of this proposal.
· Station Road does have footway links that lead to a parade of shops which include a convenience store and a post office facility. Angmering train station is also within short walking distance of the site to the north. It is considered that the proposals offer safe and suitable access to the site for all modes of transport.
· The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

CONSERVATION/DESIGN OFFICER

· Although in close proximity, the proposed development is consistent with the scale of the neighbouring built form and it will not intrude into any important views into, or out of, the designated area. The proposal causes no harm to the significance of the Station Road, East Preston Conservation Area and there is no objection in terms of Local Plan 2003 Policy Area 2, and Local Plan 2014 Policy HER DM3.

ENGINEERS (DRAINAGE)

· Surface water to be discharged to soak away
· Please apply standard conditions ENGD2A.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICIES

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 and Alterations to Existing Buildings (residential and non-residential) 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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; 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).

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, the residential amenities of the adjoining properties and would 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 4 no. two storey detached dwellings on the site. This will be to a density of approximately 17 dwelling per hectare (dph). Existing development in the immediate vicinity of the application site is varied.

The existing site and the development immediately surrounding the application site is at a density of approximately 6dph. However, it is considered that this is not an accurate representation of the grain of development in the immediate locality. Properties to the north of Hurst Road are at a density of 9.52dph. Whilst, development to the west of the application site at a higher density of 11.63dph primarily due to the development at The Cedars. There are exampled in the locality where significantly higher density development has taken place. Most notably to the east of Station Road at Churchfields where the density of development is significantly higher at 41.66dph. However, it must be considered that this development is situated to the east of station road where the character is significantly different to that of Hurst Road. It is considered that the grain of development proposed by this application must be informed by its immediate locality which in this case would call for a much lower density than that proposed in this development.

The proposed development in this case will have an average plot width of 12.31 with separation distances of approximately 2m between the dwellings. Whilst, the existing development facing onto Hurst Road has an average plot width of approximately 18.61m. Therefore, it is considered that the plot widths proposed by this development also conflict with the established pattern of development along Hurst Road. However, separation distances between dwellings along Hurst Road are varied with examples of similar separation distances to those proposed by this development as well as more significant distances.

Therefore, it is considered that the proposed development by virtue of its density and plots widths is in conflict with policy GEN7(ii) of the Arun District Local Plan and would constitute overdevelopment of the site.

It must also be considered that Hurst Road is characterised by dwellings of various designs and styles. The proposed development would consist of two dwelling types with the only other differentiation being the external materials proposed and the orientation of the dwellings. Therefore, it is considered that the proposed development by virtue of its design would fail to harmonise with the existing character of the immediate locality in conflict with policy GEN7(ii) of the Arun District Local Plan.

The proposed development is considered to retain adequate separation distance between the road and the dwellings in line with the existing building line to the south of Hurst Road and as such the proposal is not considered to give rise to any unacceptably adverse impacts in this regard. It should also be noted that the floor area of the proposed dwellings exceed the requirements of the Nationally Described Space Standards.

RESIDENTIAL AMENITY
The proposed dwellings are not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts upon the residential amenity of neighbouring properties. The proposed dwellings are situated approximately 18m from the southern boundary, 5m from the eastern boundary of the site and 1.27m from the western boundary. However, it must be considered that the separation distance between the westernmost dwelling on the site and the property (Knowle) to the west is approximately 5.76m.

The proposed dwellings will feature rear gardens of approximately 18m in depth and as such would exceed the external space standards specified within policy D DM3 of the emerging Local Plan. There, is the potential of overlooking from St Mary Thatch, which features a first floor dormer on the northern elevation - however, the proposed development will be separated from the proposed dwellings by a distance of approximately 22m which is considered to be an acceptable separation distance which could be expected in the majority of residential developments.

Therefore, it is considered that the proposed development would accord with policy GEN7(iv) of the Arun District Local Plan and would not give rise to any unacceptably adverse harm to the amenity of neighbouring properties of future occupiers of the site.

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 - however, the proposed development by virtue of its conflict with policy GEN7(ii) is not considered to constitute sustainable development in its environmental role for the reasons discussed above.

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 payments.

Social Role -
It is considered that the proposal will provide a number of social benefits through the provision of housing to meet the significant shortfall 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 not considered to constitute sustainable development and, as in the case of Arun where there is a below 5 year supply of housing, the environmental impacts are sufficiently adverse so as to outweigh the benefits of granting permission.

SUMMARY
The proposed development is considered to conflict with relevant development plan policies and as such is recommended for refusal for the reason identified 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 and 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

REFUSE

1 The proposed development constitutes over development of the site out of character with the area contrary to policy GEN7 of the Arun District Local Plan, D DM1 of the emerging Arun Local Plan, Policy 2 of the Rustington Neighbourhood Plan and the National Planning Policy Framework.

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.