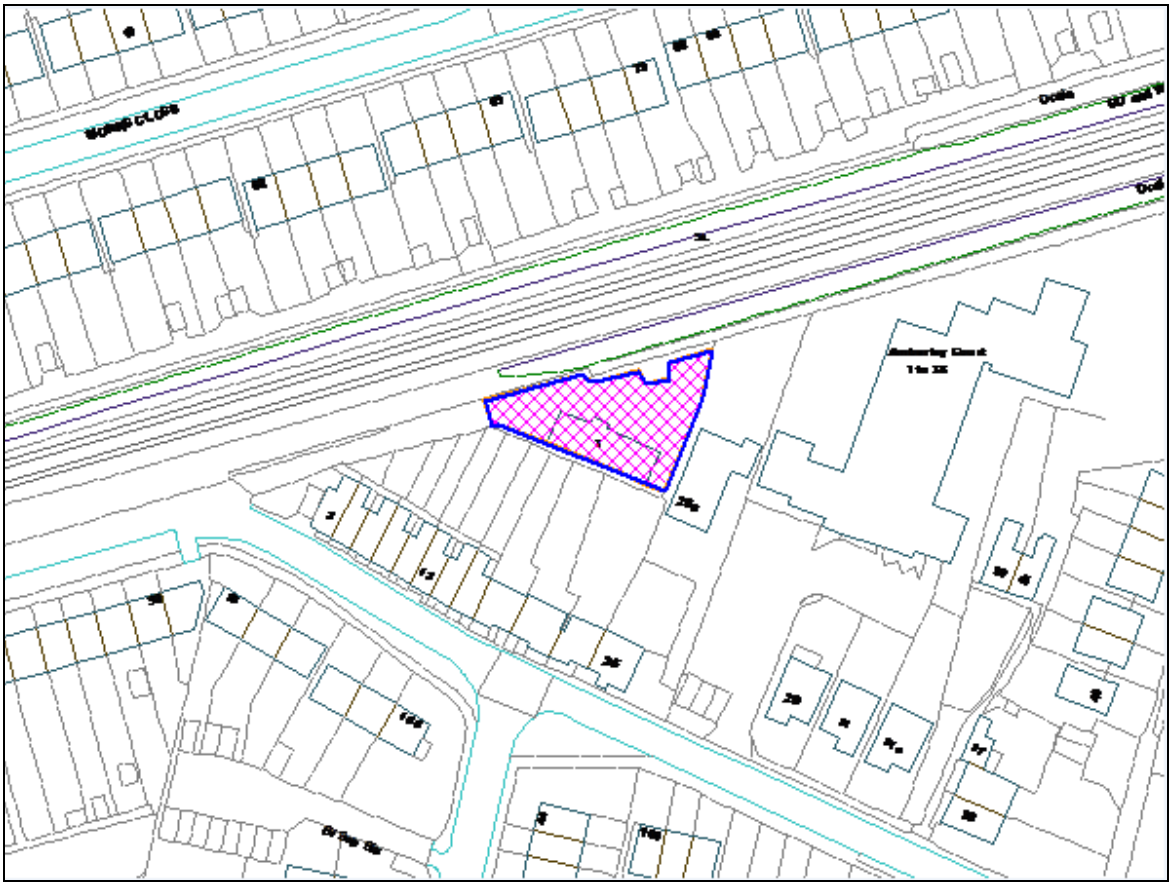
Application Number: AWDM/1196/16 **Recommendation – APPROVE**

Site: **1 Freshbrook Road**

Proposal: **Amendments to Reserved Matters approval AWDM/1267/13 for 4no. terraced houses in respect of elevational details, including repositioning of doors, windows and rooflights, insertion of Juliet balconies to the northern elevation and solar panels to the southern elevation. Variation of Condition 13 of ADC/0229/10 to allow vehicular access only onto site with no on-site parking.**

Applicant: Mr P Meredith Ward: Widewater
Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks amendments to the Reserved Matters approval granted under reference AWDM/1267/13 for the erection of 4 terraced houses in respect of elevational details, including repositioning of doors, windows and rooflights, insertion of Juliet balconies to the northern elevation and solar panels to the southern elevation. The application also proposes to allow the variation of Condition 13 of ADC/0229/10 (the original outline permission) to allow vehicular access only onto site with no on-site parking.

The application site formerly comprised a single storey office/storage building which was subsequently used for unauthorised recreational purposes, which were the subject of enforcement action. Its last use was as a boxing gym which was granted a 3 year temporary permission in 2011.

Prior to the temporary permission, outline consent had already been granted in 2010 for the erection of 4 terraced houses (ADC/0229/10) but the subsequent Reserved Matters application was not submitted and approved until 2013 (AWDM/1267/13).

The site is currently accessed via a tarmac roadway running alongside the Coastway West railway line. The entry point to the application site is to the northern side of no 3 Freshbrook Road and the application site itself is behind Nos. 3-25 Freshbrook Road. The railway line is to the northern boundary of the site and immediately to the east is a bungalow, 25a Freshbrook Road. Further to the east is Amberley Court, a large sheltered block.

25a Freshbrook Road is close to the boundary on the application site but the properties to the south in Freshbrook Road are just in excess of 20 metres from the site boundary. Properties to the north, across the railway line, are about 40 metres distant.

Relevant Planning History

Demolition of existing building and erection of 6 one-bedroom flats with garaging for 6 cars plus storage (cycles and bins) beneath (Outline with details of access, layout and scale) —refused and appeal dismissed (ADC/0437/09).

Demolition of existing building and erection of 4 terraced houses (3 two bedroom and 1 one bedroom) (outline including details of access and layout) granted outline permission in 2010 (ADC/0229/10).

Permission subsequently granted in 2011 for the temporary change of use (max 3 years) from storage/office (B1/B8) to a boxing gym and keep fit facility (D2) (ADC/0044/11).

Reserved Matters pursuant to planning permission ADC/0229/10 relating to appearance, landscaping and scale granted permission in 2013 (AWDM/1267/13).

Non-material amendment to previously approved ADC/0229/10 to allow kitchen repositioning to ground floor with patio doors installed – approved (AWDM/0961/14)

Consultations

Southern Water raises no objection

West Sussex County Council Highways

The proposal is for modifications by variation a deletions of previously approved proposals for four dwellings with pedestrian only access onto Freshbrook Road via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Freshbrook Road.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

The Local Highway Authority requests that the access that would have been restricted in use for vehicles is improved with measures, but not limited to, No Parking signage, double yellow lines along the entire extent of the access and box hatching. Furthermore for service vehicles, a short stay bay may be included at the point of access on to Freshbrook Road.

Representations

4 letters of objection in respect of the original plans and 1 letter of objection in respect of the amended plans have been received on the following grounds:

- Building is too tall
- Previous building was only 1 storey
- Adverse impact upon 25a Freshbrook Road
- Loss of privacy
- Required obscure glazing has not been installed
- No off road parking
- Development not built in accordance with approved plans
- All the alterations have been made in advance of planning permission being granted

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB4, AB17

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The main issues in the determination of the application are i) whether the proposed changes cause material harm to the character of the area and the amenities of neighbouring properties and ii) the effect of the removal of the condition in respect of access to the site upon highway safety in the area.

Representations have been received in respect of the application that largely relate to the overall build itself rather than to the matters contained in the application description itself and it is felt necessary to address those first.

The houses are now substantially complete, and most of the changes applied for under the application in terms of alterations to fenestration have also been carried out meaning that the application is largely retrospective.

There has been a long period of time since outline permission was granted (6 years) for the redevelopment of the site and the context of determining the outline application was partly as a result of the unauthorised uses contained within the previous building which were adversely affecting the amenities of neighbouring properties and which meant that a redevelopment of the site was seen as acceptable. It was evident that the site would change in character as permission was granted for 4 terraced houses which would contrast with the much lower building that previously sat on the site. Prior to the outline permission, proposal for an even more intensive redevelopment of the site were submitted, one of which, for 6 flats, was dismissed at appeal.

The distance to the properties to the south, (which meets the Council standards for overlooking), the railway line providing a buffer to properties to the north, and the large Amberley Court development to the east (albeit separated from the site by a much smaller bungalow, 25a) were contributory factors in determining that housing on the site, of a greater scale than the previous building on the site, was considered acceptable.

Now that the properties are being constructed, some time after the original consent was granted, some nearby residents have expressed concern as to the scale of the building. This has not been helped by the changes in fenestration, such as the moving of windows which have given the impression, when compared to the previously approved

plans, that the building has not been constructed in accordance with the previously approved plans. During the course of the application, therefore, your officers have requested that the Building Control officers visit the site to verify the dimensions of the building (the applicant has used Approved Inspectors and therefore the Council's Building Control Officers had not been visiting the site previously). Members will be updated on the outcome of that visit at the meeting, but if it transpires that the building has not been built in accordance with the approved plans in terms of overall height, then it would become an enforcement matter rather than being dealt with under this planning application.

One particular complaint raised is that the windows installed in the southern elevation of the building, and which overlook neighbouring properties gardens have not been fitted with obscured glass. The relevant condition of the outline permission stated:

> *The glazing in the southwest elevation of the houses shall either not to be less than 1.7m above the floor level of the room concerned or shall have obscured glass which shall be permanently retained. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings (other than as approved under the reserved matters application) shall be formed in the south-west wall of the building without the prior permission of the Local Planning Authority on an application in that behalf.*

The applicant's agent has confirmed that the windows will be obscure glazed, although if the floor level to the windows exceeds 1.7 metres then there would be no breach in any case. Until the buildings are occupied, which is not the case at present, it is not considered that action can be taken in respect of this matter.

As such, therefore, provided that the building has been built in accordance with the previous permission, and that any requirements for obscure glazing are met (which is outside of the scope of this application) then the determination of the application falls to be a much simpler consideration of the design changes proposed. The Juliet balconies add some additional interest to the northern elevation of the building and the distance to neighbouring properties is such that there is no objection on amenity grounds. Similarly, the introduction of solar panels and the repositioning of the doors are not considered to cause material harm. The repositioning of the windows are not considered to be of material impact since if they have been relocated to a position which is less than 1.7 metres above floor level, then they would need to be obscure glazed under the requirements of the previous permission.

In respect of the removal of the condition, concerns have been raised regarding the lack of parking on the site again this is a matter that was considered at the outline stage. The outline permission prevented any access to the site at all by vehicular traffic via the following condition:

Prior to occupation of the houses hereby permitted, the access to Freshbrook Road shall have been closed to vehicles (except for emergency use) in accordance with details to be submitted and approved in writing by the Local Planning Authority, including the erection of bollards

The applicant seeks to vary the condition so that vehicles can access the site for loading and unloading purposes for example. As such, this would slightly reduce the impact of the development upon the highway network as it would ensure that vehicles are away from Freshbrook Road when such activities take place rather than, say, parked at the site entrance which is on a bend. It is not considered that subject to the restrictions suggested by the County Council, there can be an objection to this part of the proposal but concerns regarding the lack of parking generally at the site cannot be taken into account now as they were approved as part of the outline permission.

Previous decisions are a material consideration in the determination of planning applications and for the reasons set out above, it is not considered there are any justifiable grounds to resist the application.

Recommendation

To GRANT planning permission

Subject to Conditions:-

1. Development in accordance with approved plans
2. Revised access condition
3. Landscaping
4. Walls and fences
5. Cycle Storage
6. Obscure Glazing
7. Refuse Storage

3rd October 2016