

REPORT UPDATE

Application No: EP/136/18/PL

Reason for the Update / Changes

Reason for Update:

The agent has submitted additional plans which indicate swept paths for vehicles accessing the site and neighbour parking. The drawing has been fully tracked for all of the routes and spaces shown and is fully workable. The position of the entry point to the site remains unaltered. These plans have been submitted to address the concerns of third parties. For clarification purposes plan reference C-95-100 will be removed from condition no 1 and replaced with one that reflects access out onto South Strand. The plan is in the process of being prepared. Condition no 1 will be amended to reflect this possible access. However, if traffic was to access onto Palm Court Cottages this would be a private matter outside of planning control.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: EP/136/18/PL

LOCATION: Tudor Lodge
125A Sea Road
East Preston
BN16 1NX

PROPOSAL: Variation of condition 2 imposed under EP/59/17/PL relating to approved plans concerning updated site plan & ground floor plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to alter the arrangement of parking spaces within the southern portion of the site, to facilitate a more efficient parking and landscaping arrangement, designed to improve drainage by the provision of a detention basin in this area.
	Tracking plans are submitted in support of the application and there is no change to the siting of the building, nor any other layout changes and the number of car parking spaces remains the same (9 in total).
SITE AREA	0.12 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	58 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.

BOUNDARY TREATMENT	Hedging to site boundaries approx. 1 - 2m. Close boarded fencing behind to approximately 2.5m high on South Strand elevation.
SITE CHARACTERISTICS	Building works are progressing on site.
CHARACTER OF LOCALITY	On edge of village centre close to sea front. Predominantly residential characterised by a mix of dwelling type and design. Mainly 2 storeys in height.

RELEVANT SITE HISTORY

EP/59/17/PL	Demolition of existing dwelling & erection of 7 No. dwellings with associated parking & landscaping (resubmission following EP/180/16/PL).	Refused 31-07-17 Appeal: Allowed+Conditions 20-02-18
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

Objection

- The changes between this version of the plans and previous is not clear.
- The lane in front of Palm Court Cottages is used for access to the site once fully developed. This will have a negative impact upon properties in Palm Court Cottages, both in terms of an increase in vehicle movements in close proximity to those properties and also in terms of a reduction in the parking available to those properties.
- Construction vehicles, have all been able to access the site without crossing the lane in front of Palm Court Cottages.
- For the sake of the residents of Palm Court Cottages, it is requested that the current arrangement be retained for residential vehicles once the site has been completed.

6 Objections

- Loss of parking for adjoining residents.
- Rubbish is being left on site.
- The current forecourt of the Palm Court Cottages being used as a road, seems inappropriate considering the promise made to the residents that they would still have access to the parking spaces.
- At the moment Palm Court residents have no choice but to reverse up Palm Court and then reverse out onto South Strand trying to miss others using Palm Court and South Strand. Some Palm Court residents are unable to park in Palm Court therefore are having to park on South Strand.
- The plans should not have been approved in the first place there is simply not enough space.
- There has never been a "service road" but if there were one it would bend around Tudor Lodge's old boundary and not straight through Palm Court Cottages resident's parking spaces.
- The route of cars out of Tudor Lodge is very close to windows.
- The cars of Palm Court residents are much closer to Tudor Lodge boundary than is actually shown on the plans.
- The site plans submitted with this application are not those of the application that was approved. They are the earlier plans that were refused.

COMMENTS ON REPRESENTATIONS RECEIVED:

There is no change to the site access, number of flats or number of parking spaces as previously approved. The only change to parking is a reconfiguration of the parking spaces.

The access in front of Palm Court Cottages is not within the red edge of the application site. The issues with encroachment onto neighbouring property is therefore a private matter.

The site plan has been amended since originally submitted to remove the reference to 8 flats which was incorrectly included in the legend on the drawing.

Litter on the site is not a material planning consideration.

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. There are no changes to access or the amount of parking spaces. The parking area has been reconfigured. Tracking has been provided to demonstrate that the layout is workable. WSCC would raise no highway safety concerns to the proposed change.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary
Area of Special Character

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment

East Preston Neighbourhood Plan 2014 Policy 1	Housing - General Principles
East Preston Neighbourhood Plan 2014 Policy 2	Design in Character Area One

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS	East Preston Village Design Statement
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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 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.

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.

Policies 1 & 2 of the East Preston Neighbourhood Plan apply and have been taken into account in 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 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.

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 is located within the built-up area where the principle of development is acceptable and where an implemented planning permission EP/59/17/PL exists for 7 flats. The proposal only seeks permission for the revised parking layout to the approved development so as to facilitate a more efficient SUDS system, landscaping and parking arrangement.

The main criteria against which the application will be assessed is contained within Arun Local Plan policies DDM1 and TSP1 and Neighbourhood Plan policies, 2 and 4 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

DESIGN AND VISUAL AMENITY

The site lies on a prominent corner site at the entrance to the seaward approach of Sea Road and to South Strand. It is readily visible from both site frontages. There are no proposed alterations to the appearance or siting of the building which has been deemed acceptable and is permitted.

The change to the parking layout would be a visual improvement to the layout of the site by reducing the extent of hard surfacing and providing a more meaningful area of landscaping which would assist in softening the appearance of the development. The proposal is therefore compliant with policy DDM1 (i) of Arun Local Plan and Policy 2: Design in Character Area One of the East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed change to the parking layout would not materially alter the impact on neighbouring residential amenity. The position of the access remains unaltered and the number of spaces has not changed. However the revised parking layout increases the area of landscaping in the south west corner of the parking area which would result in an improved outlook for some of the Palm Court Cottages and would improve the residential amenity of occupiers of the most southerly units in the development.

The proposal therefore accords with policy DDM1 (iii) of the Arun Local Plan.

HIGHWAYS & PARKING

WSCC have been consulted in relation to the proposed development and have no objection to the proposal in terms of highway safety or parking provision. The proposal is therefore compliant with policy TSP1 of the Local Plan.

SUMMARY

For the above reasons the proposed development 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 carried out in accordance with the following approved plans: Location Plan rev A, Site Plan 01 rev J, Block Plan BLOC rev B, 02 rev H, 03 rev F, 08 rev D, 09 rev D, Site Habitat Plan Figure No. 91 and Tree Protection Plan TPP/TL/96/PE/16 and Swept Path drawing ITL12278-SK-014 .

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

- 2 The Construction Method Statement approved under EP/69/18/DOC shall be adhered to throughout the construction period for the development.

Reason: In the interests of residential amenity in accordance with policy D DM1 of the Arun Local Plan

- 3 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved drawings for cars to be parked, and that space shall thereafter be kept available at all times for the parking of vehicles.

Reason: In the interests of road safety in accordance with policy D DM1 of the Arun Local Plan.

- 4 The building hereby permitted shall not be occupied until space has been laid out within the site in accordance with details approved by the Local Planning Authority for the turning of vehicles clear of the public highway and such space shall not thereafter be used other than as a turning area.

Reason: In the interests of road safety in accordance with policy D DM1 of the Arun Local Plan.

- 5 No dwelling shall be occupied until the refuse and bicycle enclosures have been constructed in accordance with the details approved under EP/144/18/DOC. Development shall be carried out in accordance with the approved details and these facilities retained in their respective uses thereafter.

Reason: In the interests of visual amenity and road safety in accordance with policy D DM1 of the Arun Local Plan.

- 6 No dwelling shall be occupied until that part of the service road which provides access to it shall have been constructed in accordance with the approved plans. The service road as constructed shall be retained thereafter.

Reason: In the interests of road safety in accordance with policy D DM1 of the Arun Local Plan.

- 7 The development shall proceed in accordance with the materials and finishes approved under EP/134/18/DOC.

Reason: In the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan.

- 8 All planting, seeding or turfing comprised in the approved details of landscaping approved under EP/112/18/DOC shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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.

Reason: In the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan

- 9 Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM2 and W DM3 of the Arun Local Plan.

- 10 No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM2 and W DM3 of the Arun Local Plan.

- 11 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.