

Recommendation Report for Planning Permission

REF NO: EP/13/21/PL

LOCATION: Scorton
9 Lime Tree Close
East Preston
BN16 1JA

PROPOSAL: Erection of garden pods to Plots 4 & 5 & the replacement of the previously approved bike store with a shed to Plot 7, following EP/148/19/PL. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks permission for the erection of Garden Pods in the rear gardens of Plots 4 and 5, and the replacement of the previously approved bike store with a shed in the rear garden of Plot 7.

The proposal relates to 3 of the plots to the rear of the site and seeks permission for development within the rear garden areas. The development has already commenced.

The garden pod to plot 4 is 2.5m high, with a floor area of 4m by 2.5m with horizontal T&G treated cladding and is located adjacent to the neighbouring garage block.

To plot 5 the pod would be 2.5m high with a floor area of 3m by 2.6m with vertical cedar rainscreen cladding.

To Plot 7 the shed is 2.5m high with a floor area of 4m by 2m and is constructed of shiplap boarding.

Permission is required for the structures as the original permission EP/148/19/PL included condition 15 which sought to remove Permitted Development Rights without the prior consent of the Local Planning Authority once the dwellings are occupied.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

2m high close boarded fencing around site with new hornbeam hedge planting which was approved as part of the approved landscaping.

SITE CHARACTERISTICS

The main vehicular access to the site was via Lime Tree Close. The approved development originally associated with planning permission EP/52/18/PL is nearing completion.

CHARACTER OF LOCALITY

Predominantly residential comprising bungalows and two-storey properties. Lime Tree Close has 2 terraces of two-storey dwellings.

RELEVANT SITE HISTORY

EP/148/19/PL	Application for variation of condition no.2 imposed on planning permission EP/52/18/PL relating to amended internal layout & external appearance of plots 4, 5, 6 & 7 and alterations to external layout and landscaping.	Refused 06-02-20 Appeal: Allowed+Conditions 06-10-20
EP/1/21/PL	Variation of conditions following EP/148/19/PL relating to wording of conditions 13- The proposed dwellings shall not be occupied until the car parking space associated with the plot and pedestrian walkways have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The parking spaces on the development site shall thereafter be retained at all times for their designated use & 14 - The proposed dwellings shall not be occupied until the cycle parking spaces associated with the plot have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall thereafter be retained.	ApproveConditionally 18-02-21
EP/133/20/DOC	Approval of details reserved by condition imposed under ref W/4000721 (EP/148/19/PL) relating to Condition Nos 4 - landscaping, 5 - provision of nest boxes, 7 - site set up, 8 - surface water drainage, 9 - maintenance & management of surface water drainage, 11 - materials, 13 - car parking & pedestrian walkway and 14 - cycle parking.	DOC Approved 09-12-20
EP/64/19/DOC	Approval of details reserved by condition imposed under EP/52/18/PL relating to conditions 8-surface water drainage & 9-maintenance & management of surface water drainage system.	DOC Approved 02-08-19
EP/48/19/DOC	Approval of details reserved by condition imposed under APP/C3810/A/18/32/4864 (EP/52/18/PL) relating to Condition Nos 4 - landscaping, 5 - nest boxes, 7 - site set up and 11 - materials.	DOC Approved 24-07-19
EP/52/18/PL	Demolition of existing dwelling & the erection of 7No. residential dwellings, with associated parking, amended	Refused 08-06-18

access location from Lime Tree Close & landscaping.

Appeal: Allowed+Conditions
13-03-19

EP/133/19/DOC approved the original cycle parking which was located in the side of the rear garden adjacent to the rear of the adjoining garages(to their north). This proposal moves now provides a shed as an alternative which is located to the side (to their east) of these garages.

EP/48/19/DOC approved the landscaping which includes boundary planting between the pods/cycle store and the rear plot boundaries which comprises pleached hornbeam hedging.

REPRESENTATIONS

East Preston Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

Council's Tree Officer - No Objection

COMMENTS ON CONSULTATION RESPONSES:

- Comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Tree Preservation Order

Listed Cottage opposite

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

ENVDM4 ENV DM4 Protection of trees

ENVDM5 ENV DM5 Development and biodiversity

[East Preston Neighbourhood Plan 2014 Policy 1](#) Housing - General Principles

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

EPDS East Preston Village Design Statement

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.

Policy 1 of the East Preston Neighbourhood Plan applies and has 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 there would be no materially adverse effect on the health of adjacent trees or visual amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The principle of the development has been approved under planning permission EP/52/18/PL. The number and position of units within the site is not altered in this application. It is only the changes proposed in this application which can be considered which relates to the provision of pods and a re-located and amended cycle store.

The main criteria against which the application will be assessed is contained within Arun Local Plan policies DDM1, ENVDM4 and ENVDM5 and East Preston Neighbourhood Plan policy 1 (i) which seeks to support development provided:

- i. the scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, reflect and enhance the architectural and historic character and scale of the surrounding buildings;
- and
- iv. they retain amenity land, incidental open spaces and roadside verges.

The application relates to the addition of ancillary structures within the rear garden of 3 plots. The development of the properties at Lime Tree Close is now significantly advanced and a couple of the units are ready to be occupied shortly and the structures forming this proposal have been either partially or completely constructed.

VISUAL AND RESIDENTIAL AMENITY

The structures are single storey and would not be readily visible from outside the site. They are flat roofed and located approx. 0.6m from the boundary. They would therefore accord with policies D DM1(2) and (3) of Arun Local Plan and Policy 1 of East Preston Neighbourhood Plan.

CYCLE PARKING PROVISION

The level of cycle parking does not alter in this proposal and remains appropriate in accordance with Arun's adopted Parking Standards. The proposed shed can be used for cycle storage.

IMPACT ON TREES AND BIODIVERSITY

The development has potential to impact on a neighbouring tree adjacent to plot 7 and hedging approved under EP/52/18/PL. The approved hedging has been provided along the north and rear boundaries of these plots and is noted on a 1:500 site plan submitted with this application. In accordance with policy ENV DM4 a tree survey, tree constraints plan and arboricultural impact assessment were requested from the agent. However they have not provided on the basis that the impact of the existing and new planting had been fully considered in the preparation of the application. The proposed structure's base is supported on ten mini piles having a diameter of 150mm and depth of up to 800mm. These are/will be hand dug and if roots found the mini pile position will be moved. The base floats above the existing ground level ensuring there will be no ground compaction. No machinery will be used, and the ground will be protected throughout the works. There will be a 600mm gap from the shed to the boundary allowing space for the Hornbeam pleached trees and hedge to grow.

The tree officer has visited the site and it is evident that the works have regrettably already been undertaken and therefore any damage to the adjacent tree has already taken place, but it has not resulted in significant harm to the health of the tree. There is little space between the structures and the rear plot boundaries, some of the landscaping would be lost in the long term as a consequence of the development, but this would not adversely affect the residential or visual amenity of future occupiers or biodiversity and affects only short stretches of the landscaping provided. Whilst the proposal would not achieve a net gain in biodiversity as required by policy ENV DM5 given the scale of the proposal the development could not reasonably be refused on this basis.

SUMMARY

In conclusion, this development would not have significant impacts upon visual amenity or provision of landscaping and retention of trees. In accordance with the above considerations the proposal 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 approved shall be carried out in accordance with the following approved plans:

Proposed Garden Building Plot 5, Lime Tree Close Dwg Ref: LT5POD.001

Proposed Shed to Plot 7 Ref: SHED.P&E.007

Proposed Garden Building Plot 4, Dwg Ref: LT4POD.001

Location Plan Ref: LTGBLOC.001

Site Location Layout Plan Ref: LTGBBLOCK.002

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 2 This permission amends the cycle parking details approved under EP/133/19/DOC in respect of plot 7. Cycle parking for this plot must be provided and retained in perpetuity within the shed hereby approved.

Reason To ensure adequate provision of cycle parking in accordance with policy TSP1 of Arun Local Plan.

- 3 **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.