

Recommendation Report for Planning Permission

REF NO: EP/1/21/PL

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

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This proposal seeks permission to vary the timing of provision of parking and cycle spaces to accord with occupation of the dwellings as they are completed, rather than provision of all parking requirements prior to occupation of any unit.
BOUNDARY TREATMENT	Close boarded fencing to 1.8m high on site frontage. Hedging to North to approx. 2m and to rear to approx. 3m
SITE CHARACTERISTICS	The site was previously occupied by a large detached two-storey property with garden area to the north and south. 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/52/18/PL	Demolition of existing dwelling & the erection of 7No.	Refused

residential dwellings, with associated parking, amended 08-06-18
access location from Lime Tree Close & landscaping.

Appeal: Allowed+Conditions
13-03-19

EP/52/18/PL was allowed at appeal and related to the demolition of the existing detached property on the site and the erection of 7 new dwellings.

EP/148/19/PL, granted permission on 6 October 2020 for:

"Demolition of existing dwelling and the erection of seven residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping."

This application proposes amendment to the wording of Conditions 13 and 14 of permission EP/148/19/PL.

Condition 13 relates to parking provision and states:

'No part of the development shall be first occupied until the car parking spaces on the development site and the parking spaces and pedestrian walkway 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.'

Condition 14 relates to the proposed cycle parking spaces and states:

'No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall thereafter be retained.'

REPRESENTATIONS

East Preston Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County highways - 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:](#)

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 highway safety.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are 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 phasing of parking/cycle provision in order to allow occupiers to use parking as it becomes available in association with site occupancy. The main criteria against which the application will be assessed is contained within Arun Local Plan policies TSP1 and East Preston Neighbourhood Plan policy 1 (ii) which seeks to prevent development that would have an adverse impact upon highway safety.

The application relates to the variation of Conditions 13 and 14 which refer to provision of car and cycle parking. 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. However, there is still some work to undertake to complete the development and it is unlikely that all 14 of the car parking spaces and cycle spaces will be available upon occupation of the first unit. The agent's have therefore requested that Conditions 13 and

14 are amended so that the relevant units can be occupied once the car/cycle parking space serving that specific unit is provided, rather than all of the car and cycle parking spaces having to be provided prior to the occupation of any unit.

HIGHWAYS & PARKING

EP/58/18/PL provided a total of 14 parking spaces on site. The additional bedrooms for plots 4-7 approved under EP/158/19/PL resulted in each of these dwellings increasing in size from 2 bed (plus study) dwellings to 3 bed (plus study) dwellings and increased the parking generated by 1 space per unit resulting in a total demand of 4 spaces. This level of car parking was accepted by the appeal Inspector and the proposal does not alter the total amount of parking available when the development is complete.

The level of parking is unaffected and remains appropriate in accordance with part (d) of TSP1 of Arun Local Plan, in that the effects of the development on the local road network is acceptable and would not be considered severe and phasing of parking provision would not impact on these effects.

WSCC have no objection to the proposal in terms of highway safety, parking provision or phasing. The proposal would not be contrary to Policy1(ii) of East Preston Neighbourhood Plan since although the level of parking provided does not meet adopted parking standards the deficit does not adversely affect road safety to a material extent or result in unacceptable levels of on-road parking demand and phasing of the parking provision to accord with occupancy does not alter these previous conclusions.

SUMMARY

In conclusion, this development would not have significant impacts upon highway safety. In accordance with the above considerations the proposal development is recommended for approval subject to the following amended 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:
 LT.LAND. 004. Proposed Landscaping & Proposed Roof Plan, LT.LOC.003, LT.SV.001, LT.SC.002, LTC.PLOT4.006, LTC.PLOT5&6.006, LTC.PLOT7.006, LT.VIS.001, LT.SWEPT.001 and LT/ST.VIS.001.

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 Each approved dwelling shall not be occupied until the car parking space associated with the respective plot and pedestrian walkways have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority. The parking spaces on the development site shall thereafter be retained at all times for their designated use.

Reason: In the interests of amenity and highway safety in accordance with policies D DM1 and TSP1 of the Arun Local Plan.

- 3 Each approved dwelling shall not be occupied until covered and secure cycle parking spaces associated with the respective 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.

Reason: In the interests of amenity and highway safety in accordance with policies D DM1 and TSP1 of the Arun Local Plan.

- 4 INFORMATIVE: This permission relates to the variation/deletion of conditions 13 and 14 of planning permission EP/52/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number EP/52/18/PL remain in force and must be complied with.

- 5 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.