

Recommendation Report for Planning Permission

REF NO: EP/57/21/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
East Preston
BN16 1JT

PROPOSAL: Demolition of existing buildings and erection of 2 No. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats. This site is in CIL Zone 4 and is CIL Liable as dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Demolition .of existing commercial building and construction of two linked detached residential properties.
SITE AREA	1127 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Fencing/hedging to eastern boundary to 2m height. Garages on rear boundary approx. 3m high. Close boarded fencing to rear gardens of Beechlands Close to approx. 1.8m high.
SITE CHARACTERISTICS	The dwellings would be situated in a garage compound, with existing buildings being demolished.
CHARACTER OF LOCALITY	The site is located within a central village location where there is a mix of property design. There is a terrace of new dwellings to the immediate south of the site. There is further residential development to the east and north. To the west there are parades of shops which are located on Sea Road. There are residential flats above and to the rear of these shops..

RELEVANT SITE HISTORY

EP/7/18/PL	Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL	ApproveConditionally 06-06-18
------------	---	----------------------------------

EP/7/18 granted permission for an identical development as that applied for here.

REPRESENTATIONS

East Preston Parish Council - The proposed development would represent an overdevelopment of the site which would appear unduly cramped and would therefore be contrary to Policy D DM1 within the Arun District Local Plan, Policies 1 and 2 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF).

1 letter of objection on the following grounds;

- Interfere with right of access to 125 North Lane.
- Overlooking and loss of light and privacy to 125 North Lane
- Re-positioning of the metal staircase to the Northern end of the existing balcony at the rear of the flats would be unsightly and intrusive causing a loss of privacy.
- This development ,if approved, will prohibit the current delivery of goods or retrieval of waste from the rear of the parade of shops by making it difficult for large vehicles to manoeuvre .
- Displacement of car parking will be harmful to area.
- Emergency access to the flats would be affected.
- Overdevelopment

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection subject to conditions.

WSCC Highways - The LHA does not consider that this proposal would have an unacceptable impact on highwaysafety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions.

ADC Greenspace - No objection subject to a landscaping condition.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

NO PUBLIC SEWER

PD RESTRICTION

CLASS C ROAD

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 1](#)

Housing - General Principles

East Preston Neighbourhood Plan 2014 Policy 3

Design in Character Area Two

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

Policies 1 and 3 of East Preston Neighbourhood Plan are considered relevant.

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."

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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, nor would it 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 be weighed in the balance with the

CONCLUSIONS

The two main issues in this application are considered to be design and residential amenity.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale. Policy.

D SP1 - Design requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy 1 of the East Preston Neighbourhood Development Plan sets out general principles for development within the Parish. Part (i) relates to the scale, density, massing, height, landscape design, layout and materials of development proposals, and how proposals must reflect and enhance the established character of the area.

Policy 3 of the East Preston Neighbourhood Development Plan sets out the development criteria for development in character area 2. This seeks to maintain a consistent low building height of no more than 1.5 storeys and ensures that rooms in the roof do not increase the building height.

The design of the dwellings would not directly replicate that of any neighbouring dwellings within the immediate surrounding area, but the use of hipped roof and ground floor eaves level does reflect chalet style bungalows in the area generally. The main characteristic of Character Area Two is the predominance of bungalows.

The scheme has sought to lower the roof level close to the rear of the shops and flats above on Sea Road to the west and reduce the overall bulk of the roofscape by both of the ends of the dwellings. The central roof area has also been reduced in length and visually broken up. It is not considered to be unduly high, discordant or visually out of keeping with its immediate surroundings comprising flats to the east and Beechlands Cottages to the north. The overall height of the proposal is acceptable and not out of place given its location adjacent to higher development.

The scheme has been reduced to provide two dwellings and whilst they remain as two storey they are now proposed to be link detached dwellings. Unit 1 to the east will have a ridge height of 7.6m and unit 2 will have a ridge height of 8.5 m. The scheme also includes car ports with a bedroom above at the western end and between the two properties. This reduces the overall massing of the proposal as these ridge heights are limited to 6.2m and 6m respectively. There are buildings surrounding the development site that are 2 or more storeys such that the development will not affect the character of the area and is an acceptable exception to the neighbourhood plan policy 3.

There is no set design of dwelling styles present. There are a number of terraced two-storey properties nearby, particularly to the south, but the residential dwellings to the east are bungalows and the position of the application dwellings relates more to the layout and position of these properties than the two storey terrace to the south. This terrace fronts Beechlands Close and reflects the uniform terrace on the opposite side of that road frontage.

The dwellings are proposed to be constructed in materials in keeping with other developments in the locality. In this respect the dwellings will be constructed in brick with fibre cement boarding used to break up elements on the front elevations and wrap around the east elevation. The roof will be plain clay tiles with bonnet hips. In design terms therefore the dwellings will be similar to other developments recently

approved in the locality.

The density and plot sizes are also in keeping with other development in the locality. The plot sizes are similar to those approved in the new development to the north at Beechlands Close. Some front garden area/landscaping space is provided to the front of both units. All neighbouring dwellings meet or exceed rear garden lengths of 10m and the proposal now accords with this depth. The bungalows to the east have wider and deeper plots and are of much lower density. It is therefore considered that the proposal represents an acceptable form of development in keeping with the existing pattern of development and the character of the locality. The proposal is therefore in compliance with policies D SP1, D DM1 and Policies 1 and 3 of East Preston Neighbourhood Plan.

The Arun Design Guide at part P:Infill Development states backland development such as this should be subservient in scale to surrounding buildings which these buildings are given the three storey character of the parade of shops with flats above adjacent to the development. Development should maintain usable and appropriate external amenity space which the properties have with 10 metre deep back gardens and careful consideration should be given to preservation of existing amenity through designs which avoid overlooking which this design achieves.

Each property will have a living, dining room, kitchen and w.c. on the ground floor with three bedrooms and two bathrooms at first floor level. The eastern property (Unit 1) will have a Gross Internal Area (GIA) of 108sqm and the western unit (Unit 2) will have a GIA of 118sqm. Externally, the properties will have 119sqm and 93sqm gardens respectively and a depth of 10m which provides for an acceptable amount of outside amenity space and accords with the Nationally Described Space Standards.

Officers have previously referred to the potential for overlooking from the walkway to the flats to the west. This has been addressed in the positioning of windows on the rear elevation of Unit 2. There is only one bedroom window at the eastern end of the rear elevation which is approximately 13m from the end of the walkway and at an oblique angle which will preclude materially adverse overlooking resulting. It is also proposed to raise the fence on the western boundary with trellising to restrict overlooking to the garden. The relationship proposed between the garden and the walkway is the same as that approved at Beechlands Cottages to the south where it was considered acceptable.

The windows that face south in the development would overlook the rear gardens of Beechlands Cottages at a distance of approximately 10 metres which is considered acceptable.

In terms of the relationship of the proposed dwellings with the rear elevations of Beechland Cottages, the scheme has been designed so that there are only 3 first floor habitable rooms on the south elevation which are approximately 21m from the rear of the existing cottages including the end property which has planning permission. The properties are also at an oblique angle. In terms of the north elevations, these will be situated 20m and more from the northern boundary dwellings which represents an appropriate distance to preclude overlooking in accordance with standards in the Arun Design Guide.

The development will obliquely overlook the rear garden of 1 Beechlands Close however a distance of 20 metres from the rear elevation of the property to the front elevation of the new development will be maintained which is considered acceptable. The gable end of the new development will face the front elevation of properties on Beechlands Court due east with a separation distance of 21 metres which is considered acceptable.

The application also proposes improvements to the existing service access which passes along the west side of Beechlands Cottages. This will maintain and improve access to the rear of the shops for delivery purposes. Such access is only by agreement with the owner of the shops as the majority of deliveries take place to the front due to ease of access there. The tenants of the shops and flats have no right to

park on the application site. All other rights of access such as for UK Power Network and 125 North Lane will remain. An area for the shops to store delivery trolleys and bins is also proposed which also represents an improvement on the current situation where no such storage facilities exist.

The proposal includes relocation of the existing fire escape staircase from the rear of the shops to the northern end of the parade. This would increase the potential for overlooking in this area and potentially increase activity adjacent to the boundary. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, is indicated on the north elevation plan to be screened with 1.8m high obscured glass. Therefore whilst the staircase would be located adjacent to the northern boundary it would not result in direct overlooking of the neighbouring dwelling.

The garden spaces would have a length of 10 metres which is acceptable for provision of reasonable amenity space. The separation distance to the nearest properties is 16 metres at an oblique angle of 90 degrees to the bungalow behind the application properties at the closest to unit 2.

HIGHWAY CONSIDERATIONS

County highways have no objection to the proposal in terms of highway safety and car and cycle parking provision. The Arun Parking Standards SPD indicates the requirement for 4 no. parking spaces where each property has two allocated spaces. The proposal provides 5 spaces with two spaces for Unit 2 (one in the car port and 1 in front), two for Unit 1 (one in the car port and one in the courtyard and a fifth space is provided for visitors. The proposal provides sufficient on-site parking to meet its needs and is in a highly sustainable location where other means of transport are available.

A condition relating to the submission of a Construction Management Plan has been suggested since the site is located adjacent to the rear service area for the shops and without clearly defined areas for contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles obstruction and congestion on adjoining roads could result.

CONCLUSIONS

The application is therefore 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.

CIL DETAILS

This application is CIL Liabe therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Proposed Plans and Elevations dwg.no. 2.10 Rev C dated Jan 2018

Proposed Site Plan, Block Plan and Location Plan dwg.no.2.11 Rev E dated Jan 2018

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.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 6 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 to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies, policy T DM1 of the Arun Local Plan.

- 7 No part of the development shall be first occupied until the electric vehicle charging spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies, policy T DM1 of the Arun Local Plan.

- 8 No demolition/construction activities shall take place, other than between 08.00 and 18.00 hours (Monday to Friday) and between 08.00 and 13.00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 9 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to throughout the entire construction period. The plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- c) The parking of vehicles of site operatives and visitors;
- d) Loading and unloading of plant and materials, including permitted times for deliveries;
- e) Storage of plant and materials used in constructing the development;
- f) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan 2011 - 2031.

- 10 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the 'Indoor ambient

noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Details complied by a competent acoustician on sound insulation and noise reduction for buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 11 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the external noise levels within the curtilage of residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq, T as specified within section 7.7.3.2 of BS 8233:2014. Guidance on sound insulation and noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 12 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the

verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031.

- 13 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.
- 14 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here Council on Arun District Councils website. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 15 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- 16 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act, 1990 and the Clean Air Act, 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping of trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.