

**Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 15-05-2018**

REF NO: EP/7/18/PL

LOCATION: Land rear of Beechlands Cottages
Beechlands Close
EAST PRESTON

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 -
Amendment to EP/138/17/PL

This application was deferred from the 9th May Development Control Committee in order for a post
Committee Site Visit to take place.

The site visit took place on the 15th May and was attended by Councillors Mrs Bence, Bower, Chapman
(as Ward Member), Haymes and Mrs Oakley and representatives from East Preston Parish Council.
Apologies were recieved from Councillor Mrs Stainton.

Members did not reach a decision with 2 votes in favour of approving the permission and 2 votes against.

REPORT UPDATE

Application No: EP/7/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

1 Objection which adds to previous comments made in an earlier representation..

- We have never considered the existing metal staircase used by Greenmanor's tenants to access their flats from their parked cars to be an "impediment".
- It forms the only access to the rear compound for tenants living over the shops from where they have been allowed by the landlord to park their vehicles regardless of their leases.
- The tenants safety needs to be considered and the relocation of the staircase affects this .
- Vehicles may well be displaced.
- The "improved access" on the western side with yellow lines and "enforceable no parking" will further impact upon the tenants of the retail outlets who park there at present to load and unload, they would have to utilise the parking at the front. This is supposed to be for customer parking and limited waiting time dependent, it may not necessarily be available when required for loading and unloading, these vehicles should be included as being displaced.
- Are the delivery vehicles/waste disposal vehicles using this new improved Western access route for the shops and flats able to access this narrow entrance?
- Are they expected to reverse back out into Beechlands Close? Clearly they will not be able to turn around and therefore, is that safe practice?
- A door opening out onto this new vehicular non public route would have to be considered an obstruction/hazard to one party or another. The pedestrian access would be under a "not uncommon shared surface arrangement" and "no pedestrian zones would be required". A pavement would also further restrict the width of the route for vehicles having to use it.
- The tenants of flat numbers 139 & 143 have no internal staircase to allow direct access to the front parade, even though it still appears on some plans.
- The distance for the young family in flat 143 to the new proposed fire escape is unaltered at 34 metres and the landlord's most recent tenants adjacent to them in flat number 139 have a child. If there is a fire in either of the 2 Northern end flats over the shops, numbers 129 (over fish & chip shop) & 133, have no viable safe means of escape for the residents if the fire escape were to be relocated as per the plan. In these circumstances people including young children would be directed towards the hazard via the various obstructions on the balcony.
- As residents of 125 North Lane for the last 43 years we do not consider "The Standard" 10 metres from the rear boundary relevant when it comes to our loss of amenity.

Officers Comment:

As previously stated satisfactory means of escape would be dealt with by Building Regulations.

County highways have no objection to the proposal in terms of:

- Impeding access to the rear of the shops or the adjoining property.
- Access by emergency vehicles.
- The position and provision of car parking or Highway safety.

The 10m distance used to assess the impact on residential amenity is not affected by the length of time neighbours have been in residence.

Report Update for 06-06-2018 Committee

A substitute Proposed Site Plan, Block Plan and Location Plan 2.11 rev E has now been submitted indicating the extent of the footprint of the withdrawn application.

One additional no objection comment requesting that shop tenants 3 - 13 Sea Road can adequately use their rear service road for loading, unloading and parking in the light of the proposed widening scheme of this access road.

Two additional comments from neighbour regarding access and parking:

- it was claimed in Court by the owners of the land that there was an agreement with the Power Company to alter their Rights of Way, however, this was dismissed by the Judge at the time as no documentation substantiating the claim could be produced.

- There is no disagreement with the Court Order giving us and our visitors the rights over this land, except that the right to park is not specified as being " around the entrance to our property" as suggested. Quite the opposite in fact, rather "where available at the time providing we do not obstruct others " over the whole of the land (certain restrictions apply with regards to delivery vehicles).

- Also for the UK Power Networks " to pass and repass at all times with plant and personnel for all purposes over and along the land coloured blue and brown on the said plan". This refers to the proposed reduced access route on the Eastern side of the development where we also have specific rights.

- Where is parking for the substation indicated? Eurosite's tenants are to be refused permission to park at the rear of their premises, but the owners (their landlord) and his tenants disagree, particularly as parking at the front is for customers to the parade of shops and limited to a restriction of 2 hours and not for those tenants attempting to run a business in the parade. Any large delivery vehicles attempting to manoeuvre into this "improved access" would require to ride over the kerbs and pavements ("One Stop" are allowed to do so) due to the restrictions coming in from, and then presumably reversing back into Beechlands Close (blind). Or is there a turning area?

- Are any vehicles allowed to park at the rear? The point is that they are mostly the landlord's tenant's vehicles who may have had their rights removed from the leases, but have not been prevented by him from parking and therefore will be displaced if this application is allowed.

Additional comment and information from the application agent on representations so as to clarify the land ownership situation:

- Dearden Homes Ltd, developed the cottages known as Beechlands Cottages and retain ownership of no. 4 at to the eastern end. The company also owns the land on the eastern side of the cottages on which planning permission was granted for a further dwelling under application EP/41/17 with the remainder forming the access to the land at the rear. There is a right of way over this access for the owner of the land at the rear (Greenmanor), UK Power Networks (to access the substation) and certain vehicle and pedestrian rights for the owner of 125 North Lane. Both Greenmanor and UKPN have agreed to relinquish their existing rights of way across the new development in favour of an improved access to the west of the site as proposed by the application.

- Greenmanor owns the land to the rear of the cottages which includes the existing building and garages to be demolished as part of this application and the shops with four flats above at the northern end of the parade. There are no rights for any occupiers of its land to park in connection with their use and in particular, it is not included in the tenancy agreements of any of the shops or flats. Parking has taken place on the land in an uncontrolled, ad hoc manner and some of that parking will be in connection with the existing building on the site which will be demolished hence removing that use.

- The garages are not in regular use for the parking of vehicles. The owner of no. 125 North Lane has established a right to park three cars on the land which can be accommodated around the entrance to

that property and will be in addition to the parking within the curtilage of the dwelling.

- Eurosite owns the access to the west of Beechlands Cottages (roughly to the line of the rear gardens) and the shops and flats at the southern end of the parade. The application proposes improvements to this access to allow access only to the rear of the shops with no parking to be allowed.
- It is therefore submitted that there will be no displacement of parking from the site as a result of this proposal. The only right to park (established by the neighbour) will be retained along with all rights of way. Any parking which has taken place in connection with the building to be demolished will cease as will all other uncontrolled parking.
- The existing informal parking of vehicles on the site should not override the more efficient and effective use of the land to provide new homes in a sustainable location. This was a point accepted by Members at the same Committee meeting in relation to another application in Eastergate (AL/8/18) and therefore should be consistently applied-
- The particular rights of way across the land are a private matter to be dealt with by the applicant should planning permission be granted. The neighbour can park 3 vehicles if space is available in common with other current users where available. The comment that this is likely to be around the entrance of his land was made to be helpful but not prescriptive and therefore we will not be demonstrating it on a plan.

The right of way of UK Power Networks will be maintained and the route that will take is again a private matter (my client can produce evidence demonstrating that UK Power are agreeable to an alternative right of way but feel we would be straying into irrelevant non-planning matters). There is currently no parking allocated for the substation so there is no change in circumstances. It is not a regular use in any event.

We have already commented on large delivery vehicles and the fact that they cannot currently access the site so again no change is proposed.

Finally tenants have not had their rights removed from leases as the right was never in any lease. Parking has not been prevented by the landlord but that does not mean that it has to continue where the land can be put to a more effective use. It is therefore highly relevant that it has only ever been an informal arrangement and by no means permanent. The parking cannot be displaced if it was not a formal arrangement in the first place. As stated in my previous letter, this was an argument accepted by the Planning Committee at the last meeting when considering its own application for houses in Eastergate where the loss of informal parking was not considered an impediment to development

Officer's comment:

The substitute plan has been referred to in the plans condition.

The retention of parking and rights of access are essentially a private matter and do not affect the final planning decision.

It is not considered that the amount of traffic and parking generated in the application site area, to the rear of the shops, would materially increase as a result of the development .

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/7/18/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 - Amendment to EP/138/17/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the construction of a pair of 3 bedroom dwellings, 2 storeys in height of differing design. The ridge heights would be 8.5m and 7.5m with an eaves height of 4.6m. Each property would have an integral car port. Alterations to the existing access and the relocation of the existing staircase to the adjoining flats are also included in the application.
SITE AREA	1127 sq m
RESIDENTIAL DEVELOPMENT DENSITY	18 dwellings per hectare
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/138/17/PL	Demolition of existing buildings & erection of 3 No. dwellings with associated parking, alterations to existing access & relocation of staircase to flats.	Withdrawn 21-12-17
EP/91/09/	Erection of 4 no. houses.	ApproveConditionally 13-08-09
EP/41/17/PL	1 No. dwelling & dormer to front elevation & velux roof windows to rear roof slope to 4 Beechlands Cottages.	ApproveConditionally 25-05-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

East Preston Parish Council

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

- Concern about access to site by emergency vehicles, not only to the proposed new properties but also the rear of the existing flats above the shops in North Lane/Sea Road and the emergency exit for the residents of the flats above these shops. If the escape staircase is moved to one end of the building it will be an unnecessarily long and dangerous route for residents.
- Concerned about the provision of four parking spaces for two proposed properties. Ten people could live in these properties with five cars between them. Existing car-parking would be lost in an area in which on-street parking is already at a premium.
- The design of the building is contrary to the National Planning Policy Framework though better than the previous iteration. The design still feels awkward and not in keeping with nearby properties contrary to Section 64 of the NPPF.
- There was also concern about the distance the new properties will be from the back of Nos. 1-4 Beechlands Cottages. The proximity of the new properties both to Beechlands Cottages and other properties could result in a loss of amenity.

2 Objections including East Preston and Kingston Preservation Society.

- The proposed houses are too close to the existing and proposed Beechlands Cottages
- The distance between bedroom windows would be 20-21 metres and overlooking would occur.
- The proposed houses would have an unacceptably adverse effect on the amenities of these existing or approved houses, which would be contrary to Policy GEN7 (iv) of the Arun Local Plan.
- Despite the comments from WSCC, the development would hamper access to the vehicle entrance to 125 North Lane and vehicle access for deliveries to the rear of the shops, at 127-143 North Lane.
- The development would have an unacceptably adverse effect on the use of these properties, contrary to Policy GEN7 (iv) of the Arun Local Plan.
- The provision of five parking spaces for two houses is now in line with WSCC guidelines, but the development would displace at least 12 vehicles that would park on the already crowded streets contrary to the spirit of Policy 1 ii of the East Preston Neighbourhood Plan.
- There is an established right of access across this land.
- At almost 9m length of ridge line the design will cast a shadow on neighbouring garden and severely restrict sun light to garden. The conservatory and greenhouse rely on this light.
- Rear building line is 14.4m from neighbour's building line
- Will be overbearing and result in loss of privacy
- The re-positioning of the metal staircase on the northern end of the existing balcony would be unsightly and only 3.2m from neighbouring property resulting in a loss of privacy.
- Dwelling has been omitted from all plans
- Substantial 2.3m high flint wall will be removed and replaced with 1.8m high close boarded fencing
- Installation of a new gate at the end of the disputed alleyway has a domestic (internal) Yale type key operated cylinder/latch. It opens in and would not accept a panic bar.
- Vehicle and pedestrian access to neighbouring property would be restricted.

- Access with a trailer and motor homes would be difficult
- No mention is made of the rear fire escape doors to the various retail premises.
- This development will prohibit the current delivery of goods or retrieval of waste to shops. Most deliveries currently take place to the rear.
- Currently 12 vehicles park on the site. 16 vehicles would be displaced onto the road by this development
- This area floods
- Warehouse due for demolition has an asbestos roof
- Poor design and position

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not agreed that the proposal represent an overdevelopment of the site.

The site lies within Character Area 2, not 3 of East Preston Village Design Statement and therefore policy 3, not 2 of East Preston Neighbourhood Plan is relevant.

Satisfactory means of escape would be dealt with by Building Regulations.

Removal of the asbestos roof would be subject to control by other legislation.

The site does not lie in a high flood risk area and engineers have no objection.

County highways have no objection to the proposal in terms of impeding access to the rear of the shops or the adjoining property and access by emergency vehicles or the position and provision of car parking.

The design of the dwellings is considered to be acceptable, plot sizes and ridge height would not be out of character.

Neighbouring dwelling is partially indicated on the block and location plan.

The agent has advised that the legal right of way through the proposed development to 125 North Lane will be maintained which has been legally defined as access by cars or vans. It does not include other types of vehicle such as skip lorries, race car trailers or skip lorries. This right of way is a legal matter and not a planning consideration. The existing fire escape referred to as an impediment will be relocated. Fire doors opening onto the right of way do not cause an obstruction.

The neighbour's pedestrian access will be maintained and enhanced by the provision of a new shared surface which results in slower vehicle speeds and an improved surfacing.

The site currently comprises a commercial building, garages their associated parking and turning areas. Once removed, they will be replaced by the dwellings and their parking spaces. This does not impact on how the shops or flats to the west of the site currently deal with their waste storage and disposal." An area for storage of bins and trolleys has now been incorporated into the scheme which will enhance the current arrangements.

The rear elevation of the proposed dwellings will be 10m from the rear boundary which is the standard distance for this relationship which precludes any loss of amenity. The relocated staircase, as previously mentioned, is for emergency use only and despite resulting in no additional overlooking than the existing balcony, can be screened as illustrated on the submitted drawings.

It is noted that the neighbour is concerned about the potential loss of the boundary wall to the rear of the

existing garages. The applicant is willing to retain this wall if possible; a matter which can only be assessed upon demolition of the garages.

CONSULTATIONS

WSCC Strategic Planning
 Southern Water Planning
 Environmental Health
 Engineers (Drainage)
 Engineering Services Manager
 West Sussex Fire Brigade

CONSULTATION RESPONSES RECEIVED:

Southern Water - No Objection. Request an Informative is added to any planning approval

County Highways - No Objection.

The current resubmission is an amended scheme for 2 x dwellings to the rear of Beechlands Cottages. No objection was raised on highway safety or capacity concerns to the previous application for 3 x dwellings .

Unit 2 will be provided with a single car port space plus additional space fronting this. Unit 1 will be provided with an integral car port space plus one allocated on the forecourt area. On the basis of 2 spaces being allocated per dwelling the WSCC Car Parking Demand Calculator envisions a total demand for 5 spaces. An additional visitor parking space is also demonstrated. The demonstrated amendments in relation to car parking quantity and layout are acceptable and a turn on site to exit to the public highway in a forward gear is achievable.

Conditions relating to cycle parking, construction management plan and vehicle parking and turning should be imposed .

Drainage Engineer - No Objection. Request imposition of standard conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Within Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development

[Publication Version of the Local Plan \(October 2014\):](#)

East Preston Village Design Statement
 W DM3 Sustainable Urban Drainage Systems
 SD SP2 Built -Up Area Boundary
 D DM1 Aspects of Form and Design Quality
 D DM3 External Space Standards
 D SP1 Design

[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:

NPPG National Planning Practice Guidance
 NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

EPDS East Preston Village Design Statement

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017. The emerging Local Plan is at a very advanced stage and carries weight .

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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."

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary where the principle of residential redevelopment is acceptable subject to accordance with relevant development plan policies. In this case the key policy considerations are deemed to be GEN7 of the Arun District Local Plan and Policies 1 and 3 of the East Preston Neighbourhood Plan and the National Planning Policy Framework (NPPF). The NPPF supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

Paragraphs 14 and 49 of the NPPF set out a presumption in favour of sustainable development.

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Environmental

The application site lies within the settlement of East Preston and is located behind local shops, and within walking distance of primary school and health facilities. The nearest bus stop is in front of the parade of shops. It is therefore considered that the proposal is environmentally sustainable as residents will not need to rely on the private car to access basic services & facilities. These environmental factors

weigh in the scheme's favour.

Economic

It is considered the proposal will result in localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a net gain of 2 dwellings and so an increase in Council tax receipts and new homes bonus payments. In addition, the dwellings could bring new people into the area who could then spend money on local goods & services. These economic factors weigh in the scheme's favour.

Social

It is also considered that the proposal will have social benefits by providing new housing to meet local needs and this also weighs in the scheme's favour.

The East Preston Neighbourhood Plan is made and therefore forms part of the development plan. Policy 3 of East Preston Neighbourhood Plan states that a low building height should be maintained at no more than 1.5 storeys in this Character Area.

It is considered the proposal is sustainable development and would benefit from the NPPF presumption in favour of sustainable development. This report now considers the proposal against all the other relevant policies of the development plan.

SITE HISTORY

This application follows an earlier withdrawn application for the construction of a terrace of three dwellings, 2 storeys in height, comprising three 3 bedroomed properties of differing design with hipped and gabled end elevations and a central ridge height of 9.3m dropping to 8.4m. The application was withdrawn prior to it being recommended for refusal.

The site lies on the north side of Beechlands Close to the rear of Nos. 1-4 Beechlands Cottages. The existing cottages were erected following the grant of planning permission in 2009 (EP/91/09) and the development replaced garages which were formerly on the site. Planning permission has recently been granted for an additional dwelling on the eastern end of the terrace (EP/41/17). That proposal maintained an access on the east side of the site to a commercial building and six retained garages located to the north. It is this land to the north which is now the subject of this proposal.

VISUAL AMENITY AND CHARACTER

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. This is an acceptable reduction of 1.7m and 0.77m respectively from the ridge height of the previous scheme. 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 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 policy GEN7 (ii) and Policies 1 and 3 of East Preston Neighbourhood Plan.

RESIDENTIAL AMENITY

Arun District local Plan Policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

The NPPF indicates that good design should contribute positively to making places better for people. It also encourages the creation of places, streets and spaces which meet the needs of people and are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

Policy GEN7 of the Arun District Local Plan further indicates that development will be permitted provided that amongst other considerations the proposal creates attractive places and spaces with the needs of people in mind. On this basis, well designed and adequate amenity space provision for residents is considered essential to meet the policy requirements of the local plan and Central Government Advice. Given the reasonable garden areas this proposal is considered to be acceptable on the residential amenities of future occupiers and the neighbouring dwelling to the north. The dwellings now have an improved outlook. Unit 1 has space in front provided as a front garden area providing space onto an access road, parking area and shop service area.

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.

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.

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.

HIGHWAY CONSIDERATIONS

County highways have no objection to the proposal in terms of highway safety and car and cycle parking provision. The West Sussex County Council parking demand calculator indicates the requirement for 5 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.

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 Site Plan, Block Plan and Location Plan 2.11 revE, Proposed Plans and Elevations 2.10 revC, Elevations of New Staircase to existing building 2.03 revA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall be commenced until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction and confirming operating hours. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access which could compromise highway safety in accordance with the NPPF.

- 4 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No 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 GEN7 and GEN9 of the Arun District Council 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 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 buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy GEN7 of Arun District Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 8 Before occupation of the dwellings the emergency escape staircase on the north elevation shall be provided with obscure glazing as detailed on drawing 2.03 revA and it shall be retained at all times and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with

them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 12 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm 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 event plus 30% on stored volumes, as an allowance for climate change. 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 are also available on request.
- 13 INFORMATIVE:A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on the website.