

PLANNING APPLICATION REPORT

REF NO: EP/148/19/PL

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

PROPOSAL: 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.

<b>SITE AND SURROUNDINGS</b>
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## DESCRIPTION OF APPLICATION

The proposed amendments to the previously approved (on appeal) scheme comprises the addition of one bedroom at second floor level to the dwellings on plots 4, 5, 6 and 7 and changing these properties from 2 bed (plus study) dwellings to 3 bed (plus study) dwellings. No additional floorspace is created. The external alterations required to facilitate this are as follows:

- Plots 4 and 7: Sky light in roof, and new windows at second floor level in west and south elevation.
- Plots 5 and 6: Dormer window in the west facing roof slope, and new windows in the south elevation.

The proposal also includes additional roof lantern to the end plots and changes to the landscaping to reflect some changes approved when the discharge of conditions was considered. Unit 3 fronting The Street now has an additional patio area and there is a footpath added to the western site boundary.

The application is supported by a Technical Note relating to highway implications.

## 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 site has now been cleared and Construction works associated with planning permission EP/52/18/PL have commenced. A block of garages are located at the end of Lime Tree Close.

## CHARACTER OF LOCALITY

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

<b>RELEVANT SITE HISTORY</b>
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EP/52/18/PL	Demolition of existing dwelling & the erection of 7No. residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping.	Refused 08-06-18
		<b>Appeal: Allowed+Conditions 13-03-19</b>

- 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.
- The proposed detached dwellings were amended prior to determination from three bedrooms and a study to 2 bedrooms and a study.
- The approved layout included a private garden for each dwelling. Access to the site was via an amended entrance off Lime Tree Close and two parking spaces were provided per dwelling. The western and southern boundaries of the site were bounded with a new flint wall.
- An additional three car parking spaces were indicated, on the existing verge on the northern side of Lime Tree Close, outside of the application site boundary.

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

East Preston Parish Council

Objection: The increased number of bedrooms per property would give rise to an increase in parking spaces required across the development, resulting in an unacceptable and possibly unsafe increase in on-street parking in the area, particularly in The Street, which is a busy bus route.

Two letters of Objection:

- Parking provision was a concern for local residents when the initial planning application was made and this latest application will only exacerbate these concerns.
- The increase in size of the 4 properties to 3 beds plus a study (which could mean 4 beds) would mean that 8 parking spaces in total is insufficient.
- The developers admit that they are unable to meet the necessary parking requirements on site.
- Assertion that the additional parking requirements can be met by parking on neighbouring streets will mean parking on The Street directly in front of the 'Street Cottages'.
- This will obstruct the entrance to neighbouring driveways and impede the flow of traffic.
- The site is within an area used for parking associated with local schools.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The objections relate to the additional parking demand which would be generated from the 4 additional bedrooms.

The on site parking demand is increased by 4 spaces and no additional provision is made. The proposal does not meet the car parking suggested in the West Sussex Car Parking Demand Calculator or within the more up to date and recently adopted, Arun Parking Standards.

However for the reasons set out in the conclusion section the shortfall is considered acceptable.

## CONSULTATIONS

WSCC Strategic Planning  
 Parks and Landscapes  
 Engineering Services Manager  
 Engineers (Drainage)  
 Ecology Advisor

### CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection. Request conditions to ensure that the development is adequately drained and does not increase flood risk elsewhere as per the conditions applied by the Planning Inspector on application EP/52/18/PL.

County Highways - No Objection. The changes to the number of bedrooms, from 2 beds to 3 beds would take place without increasing the car parking spaces. The site will provide 8 parking spaces, 2 per dwelling. The technical note provided by Reeves Transport Planning (RTP) assesses the WSCC residential car parking demand calculator outputs. These suggest a car parking demand of 11 spaces. As this exceeds the number of spaces provided there may be a parking overspill of 3 spaces. The developers have commissioned a parking survey which found there to be a parking stress of only 38% in the daytime, with plenty of on-street parking capacity for an overspill of 3 parking spaces.

### 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
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
TSP1	T SP1 Transport and Development

[East Preston Neighbourhood Plan 2014 Policy 1](#)      Housing - General Principles  
 East Preston Neighbourhood Plan 2014 Policy 4      Design in Character Area Three

### PLANNING POLICY GUIDANCE:

NPPF      National Planning Policy Framework

**SUPPLEMENTARY POLICY 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Policies 1 & 4 of the East Preston Neighbourhood Plan apply and have been taken into account in the determination of this application.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not have a materially adverse effect on the visual amenities of the locality, the established character of the surrounding area or highway safety.

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In considering whether to grant permission for development which affects the setting of a listed building, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these criteria in that it is not considered to materially affect the setting of the Grade II Listed Building opposite.

**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 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. The main criteria against which the application will be assessed is contained within Arun Local Plan policies D DM1, DSP1 and TSP1 and Neighbourhood Plan policies 1 and 4 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

#### BACKGROUND CONSIDERATION OF SIMILAR APPLICATION

A proposal for similar type of development has been the subject of relatively recent appeal.

Application AW/340/13 for the variation of condition 2 following a grant of planning permission AW/295/10/ to increase the number of bedrooms within each unit by 1 resulting in 10 additional bedrooms with no additional parking included was refused at Committee on 12-03-2014 on the grounds of insufficient parking (causing pressure for on-street parking) and unsuitable accommodation.

The application went to appeal and was allowed. The Inspector concluded that there was a shortfall of between 6 and 12 spaces. It was likely residents would need their cars for day to day use. The Inspector concluded that the increase in on street parking would not be significant and would not dominate the area which had a suburban character and appearance. As a result the Inspector concluded that the proposal would not harm the character and appearance of the area.

#### DESIGN AND VISUAL AMENITY

The scale, massing, height and density remain unaltered from the approval. Bedroom numbers are proposed to be increased but not the number of units.

The siting of the units, proximity to the site frontage and the height and length of the development adjacent to both road frontages is approved. The proposed development does not increase the footprint, and built form across the site and does not alter the ability to provide landscaping/screening to the frontages to an acceptable level.

The proposed second floor windows on the south elevations of plots 4-7 are small, proportionate high level circular windows serving the staircase that would have no detrimental impacts on the appearance of the proposed dwellings. The proposed second floor windows on the west elevations of plots 4 and 7 are sympathetic in size and design to the remainder of their respective dwellings. The skylights within the roof of plots 4 and 7 would not be visible from the streetscene due to the roof design.

The proposed dormer windows on the (front) west elevation of plots 5 and 6 are of a modest scale and do not dominate the roofscape. As a result, they would not have any material impact on the wider streetscene and would accord with Arun Local Plan policies D DM1 and D SP1 and Policies 1(i) and 4(i) of East Preston Neighbourhood Plan. The provision of a footpath to the development would only be used for access by residents and would not be visually obtrusive or look out of place in the street scene.

#### RESIDENTIAL AMENITY

The units to the rear have 12 metres to the boundary and 21m between properties. None of the proposed windows would have any impacts on the privacy available to the proposed or existing properties. The proposed second floor windows on the south side of Plot 4 are over 30 metres from the nearest property to the south. The proposed second floor windows on the south side of Plots 5, 6 and 7 would look onto the predominantly blank northern elevations of the proposed adjacent properties. The proposed new windows on the west elevations of Plots 4-7 will have no greater impact on the privacy of Plots 1-3 than the existing approved first floor windows. These distances are adequate to prevent any materially adverse overbearing or overlooking resulting. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

**HIGHWAYS & PARKING**

EP/58/18/PL provided a total of 14 parking spaces on site. The demand calculator data at that time suggested that, there would be a total demand of 14 car parking spaces, which included unallocated resident spaces and visitor spaces. This was accepted as acceptable by the appeal Inspector when approving this application.

The proposed additional bedrooms for plots 4-7 would result in each of these dwellings increasing in size from 2 bed (plus study) dwellings to 3 bed (plus study) dwellings. Parking demand is now dictated by Arun's Parking Standards Supplementary Planning Document January 2020 and when these are used the change from 2 bed dwellings to 3 bedroom dwellings would increase the parking generated by 1 space per unit resulting in a total demand of 4 spaces. If the proposed study rooms are included in car parking standards there would be no additional increase because the demand for parking does not increase above 3 bedrooms in this location.

There is not capacity to provide additional spaces within the site and there is limited capacity for on-street parking in Lime Tree Close. As a result, the agent's have submitted a Technical Report which includes a parking survey undertaken on neighbouring streets. The Parking Beat Study was used to provide an overall parking capacity. This approach was used to confirm whether the proposal exceeds the typical threshold for maximum parking stress and allows the free flow of traffic to be maintained. Parking stress is the recognised approach to showing the usage level in percentage terms. Parking Stress Surveys have become the accepted standard approach to assess the current parking profile and provide an understanding of the impact on the parking capacity of any new development. The results show the level of parking stress, which does not correlate with blocking of the road. The results establish that the current average parking stress during the day is 31%, with a maximum night-time stress of 26%. If the maximum parking demand generated by the proposal is added then this could increase the parking stress to 38% and 33% respectively.

The highway consultants used by the applicant have applied a typical threshold of parking stress before it becomes a material concern at 80%. A 38% parking stress means that, on average, just over a third available on-street parking spaces are occupied at the times expected to be reflecting the highest usage levels. Increasing the parking stress can impact areas such as safety, access by the emergency services, traffic flow, refuse collection, delivery of goods and amenity generally. Below 80%, the applicants and WSCC consider that parking is not a material issue that could reasonably constitute a severe transport impact.

There is no evidence to suggest that there is less than sufficient on-street parking capacity to accommodate the parking demand that this proposal will generate, without impeding the free flow of traffic or affecting the current parking provision. Indeed the submitted data indicates that it is likely that parking demand will be accommodated easily within the on-site parking provision. Therefore although the proposal does not meet the level of parking identified in adopted standards, it has been satisfactorily demonstrated that the level of overspill parking is appropriate and any harm resulting would be acceptable and the requirements of policy TSP1 in terms of highway safety are met. The level of parking is appropriate in accordance with part (d) of TSP1 of Arun Local Plan, in that the submitted Technical Report identifies that the effects of the development on the local road network is acceptable and would not be considered severe.

WSCC have considered this evidence and have no objection to the proposal in terms of highway safety or parking provision. Given the above advice 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.

## IMPACT ON HERITAGE ASSET

The proposal does not alter the impact this development would have on the Character Area defined within the NP or any nearby listed buildings. Since it has been assessed that the development has no adverse impact on the setting of the listed building it is not considered that a Heritage Statement is essential in this particular case.

The proposal would conserve the setting of the Listed Building and would not result in any harm, the requirements of Paragraph 193 of the National Planning Policy Framework are met (consideration under Paragraph 196 is not relevant). The proposal therefore accords with policies HER SP1 and HER DM1 of Arun Local Plan.

## SUMMARY

In conclusion, this development would not have significant impacts upon the local character of the area including listed buildings, or highway safety. 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:  
LT.LOC.003, LTC.BLOCK.004, LT.LAND.004, 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 DM1of the Arun Local Plan.

- 2 INFORMATIVE: This permission relates to the variation of condition 2 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. This decision only relates to the variation of Condition 2 of that planning permission.
- 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.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**EP/148/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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