



Appeal Decision

Site visit made on 1 July 2020

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: W/4000721

Scorton, 9 Lime Tree Close, East Preston BN16 1JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Marmont Developments against the decision of Arun District Council.
 - The application Ref EP/148/19/PL, dated 19 November 2019, was refused by notice dated 6 February 2020.
 - The application sought planning permission for demolition of existing dwelling and the erection of seven residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping without complying with a condition attached to planning permission Ref APP/C3810/W/18/3214864, dated 13 March 2019.
 - The condition in dispute is No 2 which states that: "*The development hereby permitted shall be carried out in accordance with the following approved plans: LT.LOC. 003, LT.BLOCK. 003, LT.SL.006, LT.SV 001, LT.SC.002, LTC.PLOT4.003, LTC.PLOT5&6.003, LTC.PLOT7.003, LTC.SECTION.001, LT.VIS.001, LT.SWEPT.001 and LT/ST.VIS.001.*"
 - The reason given for the conditions is: "*to provide certainty.*"
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and the erection of seven residential dwellings, with associated parking, amended access location from Lime Tree Close & landscaping at Scorton, 9 Lime Tree Close, East Preston BN16 1JA in accordance with the terms of the application, Ref APP/C3810/W/18/3214864, dated 13 March 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Marmont Developments against Arun District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. Permission was granted at appeal for redevelopment of the site (the 2019 Permission), the appellant seeks to vary condition 2 of the 2019 Permission to allow for an increase in bedrooms.

Main Issue

4. The main issue is whether the condition is necessary or reasonable in the interest of highway safety, with particular regard to parking.

Reasons

5. The variation of the condition would result in an additional bedroom in units 4, 5, 6 and 7 and would, according to the West Sussex County Council Parking Standards (2019) (the Parking Standards) require an additional 4 spaces to be provided on site.
6. Due to the layout of development it would not be possible to accommodate the additional spaces within the site and it is feasible that the variation would lead to additional demand for on-street parking.
7. A Parking Beat Survey (the Survey) was carried out on two occasions, at night and during the day, which assessed on-street capacity on roads within the vicinity of the appeal site, namely The Street, Vicarage Lane, St Marys Drive and Lime Tree Close. The current parking stress at night is approximately 26% whilst during the day it is approximately 31%.
8. Parking within Lime Tree Close is at full capacity, however there is capacity within other surrounding roads. The additional demand caused by the development would increase the parking stress to 33% and 38% respectively. As such the increase in on-street parking due to the variation in the development would not result in nearby roads reaching capacity, even at peak times such as school drop off and pick up, and the additional demand would be accommodated without being detrimental to highway safety.
9. The proposal would not meet the level of parking as set out in the Council's adopted standards. However, I find that the level of overspill would be comfortably accommodated within the local area, and the proposal would not have a severe impact on highway safety. The proposal would comply with Policy TSP1 which requires development to take into account the impact on on-street parking. The proposal would comply with Policy 1 of the East Preston Neighbourhood Plan insofar as it would not result in unacceptable levels of on-road parking demand.

Other Matters

10. The proposed windows would have no greater impact on the living conditions of neighbouring occupiers within and outside of the site than the existing development. The design of the dwellings and the materials used sit comfortably within the area and respect the surrounding character. The proposal would not have an adverse impact on the setting of nearby listed buildings. The other matters raised by intertied parties have been taken into account, however they do not individually or cumulatively lead me to find that the appeal should be dismissed.

Conclusion

11. I conclude that the proposal would be acceptable, and the appeal is allowed.

Conditions

12. In allowing the appeal and granting planning permission I have considered the conditions imposed on the 2019 Permission. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted 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 and 6.006, LTC.PLOT7.006, LT.VIS.001, LT.SWEPT.001 and LT/ST.VIS.001
- 3) The first-floor windows in the north side elevations of plots 5, 6 and 7 shall at all times/be glazed with obscured glass and fixed to be permanently non-opening above 1.7m internal floor height.
- 4) No development above damp-proof course level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained and infilling with native species, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5) No development above damp-proof course level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme for provision of nest boxes including details of their size, design and positions. The boxes so approved shall be provided following the occupation of the buildings or the completion of the development.
- 6) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

- 7) No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractor's buildings, plant and stacks of materials, provision for the temporary parking of contractor's 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.
- 8) 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.
- 9) Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.
- 10) 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.
- 11) No development above damp-proof course level shall take place until details of the materials to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the buildings.
- 12) No part of the development shall be first occupied until visibility splays of 2.4 metres by 25 metres have been provided at the proposed site vehicular access onto Lime Tree Close in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- 13) No part of the development shall be first occupied until the car parking spaces on the development site and the parking spaces and pedestrian walkway have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The

parking spaces on the development site shall thereafter be retained at all times for their designated use.

- 14) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The spaces shall thereafter be retained.
- 15) 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.

END OF SCHEDULE