AB/187/06

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Demolition of petrol station and erection of 24 Category II sheltered apartments, communal facilities, car parking and landscaping Land at Castle Service Station, Queen Street, Arundel

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to redevelop the former petrol station with an increase of 6 apartments on that previously approved (AB/118/06) to 18 units. Providing 12 one bedroom and 12 two bedroom private sheltered apartments and communal facilities.
SITE AREA	0.147 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	163 dwellings per hectares
TOPOGRAPHY	Flat
TREES	None
BOUNDARY TREATMENT	Fencing to the sides
SITE CHARACTERISTICS	Disused garage petrol station with forecourt
CHARACTER OF LOCALITY	Mixed residential and commercial. Opposite is a furniture store and adjacent is a local community store. On the opposite side is a row of terraced cottages with dormers (flint). To the rear of the site is Arden Guest House which is rendered and painted cream (3-storey with one first floor window, one second floor window. 3-storey flats to rear. Close to River Arun.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
AB/106/91	Redevelopment of existing petrol filling station with new forecourt/shop/car wash. 30,000 gallons petrol tanks. Forecourt alterations and new canopy.	Approved Conditionally 12th August 1992
AB/82/92	Redevelopment of existing petrol filling station with new forecourt, shop/car wash. 24,000 gallons petrol tanks. Alterations and new canopy.	Approved Conditionally 6th April 1993
AB/116/04	Demolition of filling station. Erection of 19 no. new self-contained flats.	Withdrawn 18th August 2004
AB/30/05	Demolition of petrol filling station and erection of 19 no. self-contained flats.	Approved Conditionally 26th October 2005
AB/118/06	Demolition of filling station. Erection of 18 units for C2 use Category 1, sheltered housing for the over 55's.	Approved Conditionally 15/11/06

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REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Arundel Town Council	Objection: It would like to see a development of mixed housing not just sheltered. Concerned at the height of the building and the effect of the design on views in and out of Arundel. The footpath between Queen Street and Fitzalan Road should be maintained. Should the application be approved, request a Section 106 Agreement for affordable housing elsewhere or funding to purchase Fitzalan car park for residents.
Local Groups	None
12 letters of objection	Concern that the removal of the petrol tanks may cause damage to foundations of neighbouring property. Will cause overlooking of neighbours window, garden and courtyard. Out of character. Overdevelopment. Will cause loss of light. Dangerous access and inadequate parking. Will cause pressure on the infrastructure. The public footpath between Queen Street and Fitzalan Road is not shown. Misleading plans as no such thing as 2½ storeys. Too big and too high. Will cause overshadowing. The design is a hotch potch with no solar panels. Views into Arundel should be retained and not obliterated. Will entail loss of car parking in Fitzalan Road which will impact onto Queens Lane.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
County Design Architect	Awaited.
County Planning Infrastructure	Awaited
County Highways	Awaited
County Archaeology	No objection in principle subject to archaeological condition relating to investigation.
English Heritage	No detailed representation, however disappointed by the overall scheme. The design will weaken the character of the Conservation Area. A more modern contextual approach can be pursued here reflecting the riverside warehouses/boat buildings designed to "lift" the visual perspective.
Conservation Area Advisory Committee	Strong objection – the form of detailing and materials are not suitable for a Conservation Area. Bears no relationship to the established character of the historic town centre.
Environment Agency	Objection – No flood risk assessment submitted.
Southern Water	There is a public sewer in the location and no development must take place within 3m of the sewer. A formal application will need to be gained from Southern Water regarding water supply.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Sussex Police	The area is "medium risk crime area". No objections
County Rights of Way Officer	There is a Public Footpath between Queen Street and Fitzalan Road which must be maintained.
Conservation Officer	This proposal lacks the quality of design and materials of the previous proposal. There is a poor relationship to the Listed Buildings. It fails to preserve or enhance the Conservation Area and is detrimental to the setting of the Listed Building.
Environmental Health	No object – standard conditions.
Council's Parks and Greenspaces	Insufficient planning shown, particularly because of the loss of established vegetation to the rear of the site.
Primary Care	No comment to make.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Designated Conservation Area Class 'C' Road (Queen Street) Affects Setting of Listed Building

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1, CH1, CH4, ERA1, ERA4, DEV1, DEV3, NE2
Arun District Local Plan : GEN1, GEN2, GEN7, GEN9, GEN10, GEN12, GEN31, AREA2,DEV11,DEV21

PLANNING POLICY GUIDANCE

PPS1 - Delivering Sustainable Development
PPG3 - Housing
PPG13 - Transport
PPG15 - Planning and the Historic Environment
PPG16 - Archaeology and Planning
PPG23 - Planning and Pollution Control
PPG25 - Development and Flood Risk

POLICY COMMENTARY

The above policies combine to describe the development control criteria against which all proposals will be determined by the authority particularly with regard to the effect on the street scene, conservation area and neighbours.

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COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

Each application should be considered on its own merits. An application for sheltered housing on the site has previously been approved (AB/118/06) off site provision requests are for the County Infrastructure Planning to comment. Any damage caused is a private matter.

ASSESSMENT OF PROPOSAL

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 conflict with relevant Development Plan policies in that the proposal would have an adverse effect on the street scene/conservation area and adversely affects the setting of a listed building by virtue of its bulk which would also appear overpowering on the neighbour.

In this case policy issues for consideration include:

The proposal affects a Listed Building or its setting and section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:

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

(The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that 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

This application is to increase the previously approved sheltered accommodation from 18 to 24 and also provides additional facilities of a communal lounge and laundry, buggy store and guest suite. Consequently, the proposal has an increase in footprint of approximately 130 sq.m. with the development extending back to the boundary with Fitzalan Road (annotated as Queen Street on plans), whereas previously it was approximately 7m off the boundary. The inner courtyard amenity space being reduced by approximately 54 sq.m.

The previous approval granted 18 parking spaces whereas this proposal shows only 5 spaces.

With regard to impact on neighbours, the previous proposal had a lower ridgeline directly adjacent to 5 Queen Street (Listed Grade II) whilst this proposal is two storey. Additionally, the side windows at

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CONCLUSIONS

1st and 2nd floor would adversely overlook the neighbouring property (5 Queen Street). Both are secondary living room windows and a hall and bathroom which could be opaque.

This application proposes development up to the boundary of Fitzalan Road, opposite Westbury Lodge which would be a visual intrusion by appearing overpowering and bulky.

The design of the proposal lacks the merit of the previous scheme. It is not as simplistic and the rear dormer sections (oriel bay) appear bitty and a visual distraction. The roof slopes choppy and inconsistent. The rendered section on the front elevation if lower in height could be used to build on across the frontage instead of the disjointed design attached to the side of it. The north-west elevation has no merit and is a bulky mass. The southeast elevation appears as a hotch potch. The front balconies are out of character with the street scene. The materials proposed are inappropriate for a Conservation Area.

The proposal therefore, in trying to cram in more apartments, has resulted in a much bulkier proposal, with loss of amenity space and car parking facilities and inappropriate design. Therefore it is recommended that the application is refused for the reasons set out overleaf.

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Land at Castle Service Station
Queen Street
Arundel

RECOMMENDATION

Refuse

1 The proposal would be prejudicial to the character of the Arundel Conservation Area and damaging to the setting of the existing buildings of merit as it does not relate to the Listed Buildings adjacent to the site and interest within it, and therefore conflicts with policies CH4 of the West Sussex Structure Plan and GEN7, AREA2 of the Arun District Local Plan.

2 The proposal is unacceptable in that the design/layout/materials of the proposed building are unsatisfactory and would be prejudicial to the amenities of the residents of the area, and insufficient provision is made in the layout for open space,

It therefore conflicts with policies CH4 of the West Sussex Structure Plan and GEN7, AREA2 of the Arun District Local Plan.

3 The site is within an area designated as a Conservation Area under Section 69, 70 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the proposal by reason of unsatisfactory design, massing and detailing would conflict with the Local Planning Authority's intention to protect and enhance the visual amenities and environment of such areas, and with policies CH4 of the West Sussex Structure Plan and GEN7, AREA2 of the Arun District Local Plan.

4 The development of this site by the erection of 24 units of accommodation would constitute an undesirable intensification of residential development at a density which would be out of keeping and incompatible with the existing and proposed development in the locality in conflict with policies DEV1, NE2 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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5 Having regard to the limited area of the site and its relationship to existing residential properties the proposal would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policies DEV1, LOC1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

6 The proposed extension would be out of scale with the existing development and detrimental to the residential amenities of adjoining premises (and the appearance of the street scene) in conflict with policies DEV1, LOC1 of the West Sussex Structure Plan and DEV19, GEN7, AREA2 of the Arun District Local Plan.

7 The proposed windows on the south east elevation are likely to give rise to direct overlooking of adjacent properties to the detriment of the amenities of the occupants of these properties in conflict with policies DEV1 of the West Sussex Structure Plan and DEV19, GEN7 of the Arun District Local Plan.

8 The proposal has not submitted a Flood Risk Assessment as required by Annex D of the Planning Policy Statement 25 - Development and Flood Risk. There is no evidence that the sequential test has been applied.

Reason: This application lies within Flood Zone 3a, classified as having a high probability of flooding therefore it is not in accordance with Arun District Local Plan policy GEN 23.