REPORT UPDATE

Application No: EP/162/14/PL

Reason for the Update / Changes

Reason for Update/Changes: Comments received from the Highways department of West Sussex County Council.

There are no anticipated Highway safety concerns with this proposal. However, a condition relating to a Construction Management Plan is as follows:-

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
· the anticipated number, frequency and types of vehicles used during construction,
· the method of access and routing of vehicles during construction,
· the parking of vehicles by site operatives and visitors,
· the loading and unloading of plant, materials and waste,
· the storage of plant and materials used in construction of the development,
· the erection and maintenance of security hoarding,
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
· measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security.
· details of public engagement both prior to and during construction works.
Reason: In the interests of highway safety and the amenities of the area.

Officers Comment: The recommendation of the report is for refusal but WSCC Highways comments have been noted.

One letter of support from the Disability Action Group of East Preston
*Persons in wheelchairs and motorised buggies are at a disadvantage because of the shingle approach beyond the mettled road.
*This the first project to see improvements to beach access since the Action Group was formed in November 2014.
*The structure would be no obstruction to other beach users and the first 14m is on solid ground and would comprise of a metalled pathway.
*Those who approached the Action Group have said they would not require to park, travelling from their homes direct to the beach.
*Will not be in the community's best interests if refused.
*The alternative proposal of access from the end of Sea Lane has been investigated and rejected as unsuitable for disabled use as it is a more lonely spot and the disabled would prefer to have able persons within sight to assist if required.

Officers Comment: The comments made by the Disability Action Group have been noted. Whilst the Council is supportive of providing disabled access to the beach in principle, for the reasons identified in the Officer's Report the structure is considered to be unacceptable in planning terms.

The word 'be' has been added to the sentence 'In the absence of such information the structure

would be contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework' in the second recommended reason for refusal. The recommended refusal reason now reads:-

Insufficient technical details have been provided to demonstrate that the structure would be safe for use by the public and that any works/modifications to achieve the same would be visually acceptable. In the absence of such information the structure would be contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

Officer's Comment: The amended refusal reason is included in the recommendation (as set out below).

6 additional letters of support and a petition of 169 signatures supporting the beach access

*Disabled people can enjoy the beach and the adjacent refreshment kiosk due to the structure.
*Would equally benefit people with prams, buggies and pushchairs and is a worthwhile project.
*Unfair on disabled people to refuse this application.

Officer's Comment: Whilst is acknowledged that the beach access would bring positive benefit to disabled persons and the wider community, this does not in itself mean that planning permission should be granted. The proposal must comply with planning policy and guidance and with this particular scheme it fails to do so. As a result, the recommendation of the application is for refusal.

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.

EP/162/14/PL

Recommendation Report for Planning Permission

REF NO: **EP/162/14/PL**

LOCATION: Beach Access Way
Sea Road
East Preston

PROPOSAL: Beach access decking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The beach access structure measures at its maximum approximately 32m in length, 5.3m in width and approximately

	0.2m in height. It comprises of an aggregate path measuring approximately 12m in length with the remainder being timber decking on timber piles.
SITE AREA	Approximately 200 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	The beach is gently undulating and predominantly flat to its bluff point before steeply descending to the sea.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing extends along the side (western) boundary at approximately 1.8m in height. There is a boat compound to the north which is contained by metal fencing at approximately 2.5m in height.
SITE CHARACTERISTICS	The site comprises of shingle beach.
CHARACTER OF LOCALITY	Mixed residential and commercial. There is a caravan park, boating compound and 'Beach Shack Cafe' situated to the north with residential properties set to the west and further to the north.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Awaited.

3no. letters of objection

*Concern over the parking of vehicles owned by users of the beach access structure on a narrow section of Sea Road.

*If there is an incident of any form requiring emergency services to the beach or adjacent properties, any parked vehicles could restrict such access.

*Any such parking could also access for delivery vehicles requiring access to the caravan park and hotel.

*A more suitable location for the beach access structure would be at the south of Sea Lane to the west where there is already a footpath from the end of the road to the beach.

*Anti-slip decking is not 100% anti-slip due to intermittent strips.

*Decking is dangerous when wet.

1no. letter of support

*Disabled persons try to access the beach without success and this would help.

Comments on Representations received:

In respect to the comments awaited from East Preston Parish Council, it should be noted that they are the applicants for this application.

The Access and Water Manager from West Sussex County Council has no objection to the proposal. Only the site in question is proposed and alternatives cannot be examined or discussed. Health and Safety issues are not material planning considerations.

CONSULTATIONS

Engineering Services Manager
Engineers (Coastal Protection)
Environment Agency
WSCC Strategic Planning
West Sussex Fire and Rescue

Consultations responses received:

Engineers
Objection.
Having briefly looked at the decking proposals there is a lack of technical information regarding the timber. We would need to know quality, sustainable sourcing, whether it is treated etc. Then there's the connections of the decking to the support timbers and support timbers to the posts bearing in mind the marine environment. The posts seem a little small in cross section for the levels of exposure that they will be subject to assuming they are to be softwood and will soon rot through. We would advise using minimum 150x150 pressure impregnated timber. Post depth also needs to be indicated and we would suggest something in the order of 750mm to 1.0m subject to levels. The deepest posts will be needed at the end of the platform to say 1.5m to allow the decking to remain stable should any potential short term loss of beach occur.

There may be further elements to consider with respect to the deck edging to suit disabled user access but this can be discussed and confirmed with the applicants in due course.

Environment Agency
No objection.

Water and Access Manager, West Sussex County Council
No objection.

Comments on Consultation responses:

Comments noted. In respect to the comments made by Engineers, the Local Planning Authority is not satisfied that the structural integrity of the proposed structure is adequate and this should form a refusal reason in the recommendation.

POLICY CONTEXT

Designation applicable to site:
Within the Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):	D DM1	Aspects of Form and Design Quality

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. The East Preston Neighbourhood Plan is emerging and has not yet been 'made'.

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 it would have a materially adverse effect on the visual amenities of the locality.

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 is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within Arun District Local Plan policy GEN7 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission to form a beach access which comprises of part aggregate path and part timber decking set on timber piles. According to information submitted with the application, this structure will enable those with mobility difficulties to better access the beach, particularly in its transition from Sea Road.

The beach access will be a substantially sized structure measuring at its maximum approximately 32m in length, 5.3m in width and approximately 0.2m in height. It will comprise of an aggregate path measuring approximately 12m in length with the remainder being timber decking. The decking section will have a greater visual presence owing to its wooden appearance and this will form the greater part of the structure. This will appear harmfully prominent in the surrounding landscape especially given the public nature of the beach and with direct views from Sea Road.

It is considered that the proposal is unacceptable in design terms and would conflict with policy GEN7(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The beach decking has a relatively minimal profile within the landscape at approximately 0.2m in height and as such will not cause any harmful residential effects, particularly any unacceptable overlooking towards the neighbouring property of no. 160 Sea Road to the west.

It is considered that the proposal is acceptable in residential amenity terms and complies with relevant policy GEN7(iv) of the Arun District Local Plan.

ACCESS/PARKING ISSUES

The Water and Access Manager from West Sussex County Council has been consulted as part of the application and has no objection to the scheme.

ENGINEERS

There has been an objection raised by the engineers regarding a lack of technical information regarding the timber to be used in the beach access. Namely, the quality, sustainable sourcing, the treatment of the wood for the decking and there is concern that the posts seem too small in cross section for the levels of exposure in a marine environment. Therefore, based on the submitted information the Local Planning Authority is not satisfied that the structural integrity of the beach access structure is adequate and is structurally unsound.

For this reason and for the harm identified to the visual amenities in the area, it is recommended

that the application be refused for the following reasons.

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 private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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, a neutral impact has been identified upon those people with the following protected characteristics: disability.

RECOMMENDATION

REFUSE

1 The beach access structure by reason of its excessive size and materials used will appear harmfully prominent in this open beach environment in conflict with policies GEN7(ii) of the Arun District Local Plan, D DM1 of the Emerging Local Plan and the National Planning Policy Framework.

2 Insufficient technical details have been provided to demonstrate that the structure would be safe for use by the public and that any works/modifications to achieve the same would be visually acceptable. In the absence of such information the structure would be contrary to policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

3 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.