

REPORT UPDATE

Application No: EP/40/12/

Reason for the Update / Changes

Reason for Update/Changes:

Parish Councils Objection;

-The proposed substitute plans do not address any of the objections previously submitted, the Parish Council continue to object to the planning application.

-Pre-committee site visit requested.

-Previous objections restated.

7 Letters of objection:

-Object to the revised plans.

-Revisions do not address concerns with the application.

-No further issues raised to those summarised within the report.

Officers Comment:

Comments raised are duly noted.

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/40/12/

Recommendation Report for Planning Permission

REF NO: EP/40/12/

LOCATION: 115-117 Sea Road
East Preston

PROPOSAL: 9 no. flats with associated parking & amenity space following demolition of existing buildings

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed development would consist of 9 self contained flats, made up of 6No. two bedroom flats and 3No. one bedroom flats. The front section of the block would be three storeys in height with a two storey projection to the rear, consisting of a flat roof central section and pitch roof to the rear part of the block.

Vehicular access would be via an under-croft beneath the 3 storey front block leading to a parking area to the rear of

report

the site, private amenity area and cycle parking.

All existing buildings on site are to be demolished.

SITE AREA	0.07 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 128 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Mature tree growing within rear garden of property to the south of the site, however this will not be affected by the proposed development.
BOUNDARY TREATMENT	Flint and brick walling to southern boundary, to a height of 2 metres up to 3 metres as it extends to the rear of the site. Neighbouring buildings form the majority of the northern boundary with sections of timber fencing the garages to the east.
SITE CHARACTERISTICS	Detached two storey building with accommodation within the roof space. Render elevations to ground floor with pebble dash above. Steep gable roof with dormers existing to side elevation and windows gable ends. 1st floor side and rear windows also noted. Storage/warehouse building extends to the rear with pitch corrugated sheet roof and rendered elevations. Block of garages to rear of the site. Vehicle access existing to south side of the buildings. Retail unit fronting high street and commercial offices/storage to the rear. Residential accommodation above.
CHARACTER OF LOCALITY	Located within the local village centre at the southern end of East Preston. Mix of uses noted within the shopping parades. Residential properties noted above shops units. Residential properties extend to the east and south of the site. Maisonette style properties above shops immediately north of the site, within Parade Mansions which are noted in the Local list for their character. Residential site to the south of the site will small commercial gym area forward of dwelling.

RELEVANT SITE HISTORY

EP/16/11/	Demolition of existing building & construction of 12 no. flats with associated parking & amenity space	Withdrawn 11-01-2012
EP/86/79	Erection of 8 lock up garages in 2 blocks of 4 units	Approve Conditionally 18-07-1979

EP/171/80

Change of front portion of ground floor to
shop and rear portion to mail order office

Approve Conditionally
10-12-1980

REPRESENTATIONS

Representations received:

East Preston Parish Council

Objection:

- Cannot support the loss of existing business and employment within East Preston with the loss of two viable commercial businesses.
- Design of the building is inappropriate for the surroundings and does not harmonise with the existing traditional buildings in this parade, conflicts with Pages 8 and 15 of the Village Design Statement.
- Contemporary design and materials would have an unacceptable adverse impact on the adjoining Parade Mansions which would adversely affect the street scene.
- Development would result in material detriment to the amenities of occupiers of the neighbouring properties by reason of overshadowing, loss of natural sunlight and its oppressive and overbearing impact.
- Roof terrace will impact upon the enjoyment of neighbouring properties, with additional concern of noise pollution.
- Development would result in severe overlooking of the garden of 121 Sea Road and Coastguard Cottages to the south of the site.
- Plans with regards to windows in flats 2 and 6 are confusing.
- Conflict with policy DEV30 of the local plan.
- Proposal fails to improve the character and environmental quality of the area and does not have regard to neighbouring buildings.
- Parking insufficient for number of bedrooms provided, existing on street parking does not have the capacity to accommodate the overflow of cars.
- Concern over pedestrian access into the site, with no designated pedestrian routes and access for emergency vehicles.
- Concern raised if access blocked into main road.

1 Letter of Support:

- Looks like a good plan.
- If small businesses should be able to sell up if they want to free up space for the need housing.

24 Letters of objection:

- Inappropriate form of development, relates poorly to surroundings and residential amenity.
- Has not demonstrated that the existing retail premises is no longer viable, contrary to DEV30 of the Local plan.
- Applicants have not engaged with the local community, contrary to paragraph 66 of the NPPF and the Localism Act.
- Design statement inaccurate, relates to the roof garden.
- Distance between the proposed building and 121 Sea Road should be at least twice the length of the height of the building to protect neighbouring outlook.
- Outlook from bedroom window and kitchen of 121 Sea Road would be adversely affected.
- Obscure windows as suggested can be changed over time and hard to control, also no control over window to the rear of the front block.
- Loss of morning sun to 121 Sea Road.
- Development does add to the overall quality of the area.

- Block light to garage/workshop to the north of the site.
- The building would be excessively large and bulky and represents over development of the site.
- Undesirable intensification of residential development at a density which is out of keeping and incompatible with existing development in the locality.
- Southern boundary wall was built in the 19th century and part of the heritage of the area, the new side wall appears to built in front of the existing.
- Loss of garages and storage would be detrimental to local people.
- Site and access unsuitable for building works of this nature.
- Parking already difficult, development will add further to this.
- Development will devalue various neighbouring properties.
- Detrimental to the setting of Parade Mansions and Coastguard Cottages.
- Noise and pollution for extended periods of time during construction.
- Overlooking of gardens serving Coastguard Cottages.

Comments on Representations received:

The Parish Council's comments together with the letters of objections and support are duly noted and are addressed in the conclusions of this report.

CONSULTATIONS

WSSC Local Development Divis.
Parks and Landscapes
Engineering Services Manager
Engineers (Coastal Protection)

Consultations responses received:

COUNTY HIGHWAYS:

No objection;

The revised development no longer falls into the 'major' category as outlined within the Road Safety Audit policy, and provision of an audit is not required.

The access has been demonstrated to have a width in excess of 4.1 metres for the first 12 metres. This is sufficient to enable two cars to pass one another clear of the highway before the access narrows to a width of 3 metres. Given the low generation nature of the development, the requirement for two vehicles to use the access will be infrequent. An officer representing the Fire and Rescue service has advised that there is sufficient access for the attendance of emergency vehicles.

It remains unclear whether the removal of garages will result in the displacement of parking and further on-street demand. Likewise it is unclear as whether parking will be left unallocated; however the WSSC parking demand calculator would suggest that 8 spaces of unallocated parking would be required, rising to 12 should 1 space be allocated per dwelling. Consideration should be given as to whether there will be an increased for on-street parking facilities; however it is not expected that the parking provision will result in a highway safety concern given the close proximity of the site to a car park and the presence of parking restrictions.

The highway authority raises no objection, subject to recommended conditions.

PARKS AND GREENSPACE:

The design and access statement states that 'The proposal will introduce biodiversity to the site through the introduction of landscaping, but does not show detail.

We therefore recommend that details of the landscape proposals are submitted for approval.

Approval of these should sought with a plan showing clearly; species choice, location, density and proposed sizes at planting.

COASTAL ENGINEER:

No objection on coastal protection grounds.

DRAINAGE ENGINEER:

Drainage proposals are acceptable and there should be no problem in producing a suitable drainage design. Condition suggested regarding drainage.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built-up area boundary

Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC1	Sustainable Development
	SEPCC4	Sustainable Design and Construction
	SEPH3	Affordable Housing
	SEPH4	Type and Size of New Housing
	SEPSCT6	Affordable Housing
	SEPT4	Parking
Arun District Local Plan:	GEN12	Parking in New Development
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN22	Buildings or Structures of Character
	DEV30	Local and Village Centres
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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SUPPLEMENTARY POLICY GUIDANCE

EPDS	East Preston Village Design Statement by E P Parish Council
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POLICY COMMENTARY

PLANNING

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

EMERGING LOCAL PLAN

The Emerging Arun Local Plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight should be given to its policies in terms of the decision making process at this stage.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PLANNING

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 result in the loss of retail premise within a local village centre, contrary to policy DEV30 the Arun District Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The proposed loss of retail use is not considered to detract from the vitality or viability of the local village centre and the proposal will provide much needed housing in compliance with the NPPF.

CONCLUSIONS

PRINCIPLE

The site lies within the built-up area boundary where the principle of the comprehensive redevelopment of the site to provide 9no. self-contained flats is acceptable in principle subject to usual development control criteria being met.

PLANNING HISTORY

The application follows a previously withdrawn application for 12 flats to be constructed on site. The previous proposal was for a larger structure which was too large and bulky for the site and detrimental to the visual and residential amenities of the locality. The current scheme looks to address these previous concerns with the omission of 3No. flats, a roof terrace together with the overall height and depth of the building.

CHARACTER AND APPEARANCE

The proposed block will be built up to the south elevation of Parade Mansions at a height of three storeys, with a two storey flat roof element extending to the rear with pitched and flat roof elements.

The appearance from the street scene would be a three storey building which is set just below the ridge height of the mansard roof serving Parade Mansions which are noted in the local list for its special historic character. The materials proposed for the new building reflect those used upon Parade Mansions, with the horizontal changes in material continuing the use of materials existing within the street scene. Whilst the proposed building is of a modern design it is considered to respect the appearance of its surroundings through its design and scale and is a significant visual enhancement upon the existing building.

Given that an existing structure is already in place, the layout of the street scene is not considered to be affected with well-developed sites enclosing the site which contribute to the character the area.

The layout of the site is also considered to be appropriate with parking areas and a small

communal amenity area being sited to the rear of the building. This layout does not alter the existing layout to the rear of the site and provides a small amenity space for future occupants together with residents parking.

RESIDENTIAL AMENITY

The proposed three storey block to the front of the site would be built-up to the shared boundary with 119 Sea Road. Whilst this structure would be significantly closer to this boundary than the current building, given that it would be adjacent to a commercial premises and not residential as well as only part of the new building extending up to the boundary, the impact upon this commercial site is not considered detrimental to the business.

The rearmost part of the block is to be reduced to a two storey block which is partly flat roofed and pitched to the rear. The rear projection would also maintain at least three metres from the southern boundary, which given the two storey nature of the dwelling is sufficient to avoid any unacceptable overbearing affect resulting upon occupants of 121 Sea Road.

The proposed building would include an increase in 1st and 2nd floor windows being provided. Whilst 1st and 2nd floor windows are already noted, these are currently unrestricted and offer uninterrupted views to the south and east. The proposed plans seek to address the issue of overlooking with windows to the central 2 storey block being of a cantilevered design via obscure glazing to the south-east elevations of the windows. Whilst this does address some concern with regards to overlooking, further obscure glazing would be required namely to windows on the western elevations serving the bedroom serving flat 7, flat 5 and flat 9. Windows on the north elevation at 1st and 2nd floor level serving flats 5 and 9 will also need to be obscure glazed. Subject to suitable imposed conditions, direct overlooking would not result from the proposed flats.

LOSS OF COMMERCIAL UNIT

It is conceded that the proposed redevelopment would result in the loss of an existing retail unit at ground floor level and commercial space to the rear. No assessment of the viability has been provided with the application to support its loss. However given that the other units within the parade remain in use and recently permission was sought for the change of use of 111 Sea Road back to a retail use, the loss of this unit is not considered to impact upon the viability and vitality of this small shopping parade.

CAR PARKING

The proposed development is to be accessed via an under-croft leading from an existing vehicle access into the site with 9no. spaces being provided for residents parking. A dedicated cycle store is proposed providing 9 spaces, this will be subject to conditional approval for the area to be enclosed and secure to encourage residents to use cycles. These parking facilities meet the West Sussex County Council's Parking calculation requirements.

County Highways have considered the access and are satisfied that the proposed access would be acceptable, allowing two cars to pass clear of the highway. They have also suggested that an increase in on-street parking is unlikely to result in a highway safety concern. Further, the pressure for on street parking is not considered detrimental given that the site is sustainably located, being within an existing village centre and 1500m from bus routes in Worthing Road and Angmering train station.

AFFORDABLE HOUSING CONTRIBUTIONS

The proposal generates the need for affordable housing contributions which has been agreed at a figure of £33,000 and a legal agreement is being drawn up securing this provision.

CONCLUSION

The proposal for the comprehensive redevelopment of the site is considered to be sympathetic to the visual and residential amenities of the surrounding area, and would be an enhancement upon the appearance of the current building. In addition to this, the impact upon highway safety is acceptable and the site sustainably located. It is therefore recommended that the application be approved subject to the conditions set out below.

HUMAN RIGHTS ACT

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 for 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 a neutral impact has 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).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The site by virtue of its limited size and layout is considered unsuitable to accommodate 9No.flats and parking area without unacceptable harm to the character of this established residential area and represents an unacceptable form of overdevelopment contrary to policy GEN7 of the Arun District Local Plan 2003
- 2 The proposed building by means of its scale, orientation of windows and proximity to the southern boundary would be unneighbourly and overbearing resulting in an unacceptable loss of residential amenity to surrounding properties. The proposal is thereby contrary to policy GEN7 of the Arun District Local Plan 2003

- 3 It has not been demonstrated that the retail use is no longer viable contrary to policy DEV30 of the Arun District Local Plan 2003
- 4 The proposal by reason of its scale, massing, design and materials is not considered to reflect or respect the historic character of neighbouring properties contrary to policies GEN7 and GEN22 of the Arun District Local Plan 2003 and the National Planning Policy Framework 2012
- 5 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy adopted on the 18 August 2010
- 6 The proposal provides inadequate on-site parking to serve the proposed development and would result in unacceptable pressure locally for parking contrary to policies GEN7 and GEN12 of the Arun District Local Plan 2003 and West Sussex County Council's Supplementary Planning Guidance 2010 for parking standards in West Sussex