

Recommendation Report for Planning Permission**REF NO:** EP/42/17/PL**LOCATION:** Public Conveniences
Sea Road
East Preston**PROPOSAL:** Alterations to existing public conveniences including provision of disabled facilities & ramped access to toilet.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

As above. The proposal relates to refurbishment of the toilets to provide a disabled toilet facility. The application has been amended since its original submission so that it no longer includes the replacement of an existing tree.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1m high flint walling to site frontage

SITE CHARACTERISTICS

Existing brick building public convenience with plain tiled roof located on edge of car park on site frontage. Notice board in front.

CHARACTER OF LOCALITY

Predominantly residential.

RELEVANT SITE HISTORY

EP/7/09/	Extension to the Village Hall, form wider access to Warren Recreation Ground and reform the childrens playground and parking.	ApproveConditionally 18-03-2009
EP/24/10/NMA	Application for a non-material amendment following a grant of planning permission EP/7/09/ for revision to position of fire exits	Approve 07-04-2010
EP/129/83	Foyer to link 2 buildings	ApproveConditionally 23-11-1983

REPRESENTATIONS**Representations received:**

2 No Objection - Welcome proposal. Object to felling of fig tree which is a valued element in the street scene. The expert's report does not recommend felling. Cycle parking is being

removed, but can't see it being replaced.

Comments on Representations received:

The concerns regarding the loss of the tree have been addressed in the amended plans which indicate that the tree is to be retained. The plans have also been amended to retain the bike stand.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer - The applicants have had two arboricultural assessments of this tree - one by ArbTec Tree Care as part of their annual Tree Inspection works for East Preston Parish Council and another by The Urban Surgeons specifically looking at the tree safety. Both recommend the removal of this tree.

Fig Tree Ficus carica Height - 8m Avge Sprd - 4m Age - Mature

- This tree has a previous history of heavy topping and lopping works.
- It leans southwest and there is a small cavity opening at 1m above ground on the north side - when probed this went through to two thirds of the trunk diameter but had no expansion or width to it.
- There are small addressed fungal brackets attached to the trunk at ground level on the north side.
- The crown supports a full head of branchwork with the foliage appearing of good lustre and colour and healthy.
- The trunk is hard up against the low boundary wall but there are no signs of cracking or damage.
- This is a highly visible and significant tree in the landscape - but in view of the noted issues I would not recommend a TPO be made.

Conclusions: I would not see felling as the only option here - a pruning option to manage the decay and defects and lean has been adequate up to now as a management strategy and I would like to see this continue as the tree has a life expectancy in excess of 20 years in my opinion.

- Felling because of the new ramp is not necessary because with the involvement of an Arb Expert they could have supervised 'Hand Digging' below the existing hard surfacing and severance of any roots found that are 25mm or less in diameter - at 4m distance from the centre of the trunk I would not expect there to be many roots over this diameter- if any.

Recommendations:

- the tree should be retained and managed with pruning works.
- However, if planners see fit to approve the removal as part of the redevelopment works then I would like to see one quality semi-mature replacement tree planted in its place - of a species to be agreed.
- The applicants show two new Bay Laurel trees being planted which in my opinion would not be suitable and would not adequately mitigate the loss of amenity value provided by the Fig.

Comments on Consultation responses:

- comments noted. It is now proposed that the fig tree will be retained.

POLICY CONTEXT

Designation applicable to site:
Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN7

The Form of New Development

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

East Preston Neighbourhood Plan 2014 Policy 4 Design in Character Area Three

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

EPDS

East Preston Village Design Statement

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy 4 'Design in Character Area Three 'is considered relevant to consideration 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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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

The proposed renovation of the existing toilets to incorporate disabled access would be a positive addition to the facilities. The alterations would not significantly increase the appearance of the

building in the street scene and would be sympathetic and in keeping with the design of the building . The proposals do not impact on the front boundary treatment which is to be retained and the development would therefore accord with policy 4 of East Preston Neighbourhood Plan.

The proposals did include removal of the fig tree and bike stand, but it has now been confirmed that the tree will be retained and the bike stand relocated drawings have been amended to reflect this. The retention of the tree would further enhance the visual amenities of the locality and retain an important feature in the locality. The replacement of the bike stand would also retain facilities to encourage sustainable modes of transport.

The proposal would have no adverse impact on visual amenity or the character of the area and there are no residential properties close to the existing building that would be affected by the proposal.

The application is recommended for approval subject to the following conditions.

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 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 positive impacts have been identified upon those people with the following protected characteristics age and disability,

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans :
Existing and Proposed Plans and Elevations 1059.01.e.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for the proposed canopies have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the canopies.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.