

Recommendation Report for Planning Permission

REF NO: EP/64/21/PL

LOCATION: 111 Sea Road
East Preston
BN16 1NX

PROPOSAL: Alterations to existing premises to facilitate use as Office. This site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission is sought alterations to existing premises to facilitate use as office.
SITE CHARACTERISTICS	The property is a shop with 3 storeys of residential accommodation above including within the roof. At the rear is a single storey rear extension. The property is part of a larger "L" shaped building that comprises commercial shops with 3 storeys of residential above. At the rear of the building is a service yard.
CHARACTER OF LOCALITY	Sea Road is part of East Preston Village centre and this part of Sea Road is characterised by commercial shops with residential accommodation above.

RELEVANT SITE HISTORY

EP/85/12/	Change of use from private physiotherapy practice (B1 Business) to shop for sale of cold foods (A1 Shop) for consumption off premises and food preparation (B1 Food Preparation)	ApproveConditionally 28-09-12
EP/133/01/	Remove dilapidated store and replace with new timber construction	ApproveConditionally 31-12-01
EP/83/99/	Change of use from butchers shop to private physiotherapy practice	ApproveConditionally 15-10-99

The "timber construction" that was approved under planning application EP/133/01/P, is the existing rear extension which was recently re-clad, the recladding of which was the subject of enforcement action and which is consequently the subject of this application.

REPRESENTATIONS

EAST PRESTON PARISH COUNCIL

- The black aluminium proposed for the shop front is not in keeping with the other shopfronts which retain light coloured window framing.
- The rear extension extends beyond the depth of the walkway servicing the flats above the parade of shops.
- The extension is built around of the uprights supporting the walkway.
- The Council is confused by the proposals for the back of the building referring to an existing rear extension which was smaller than one recently built.

3 letters of objection from two households as follows:

- The rear extension is ugly and dangerous to anyone walking on the footpath above.
- The building was proposed as an addition to Arun's Local List of Buildings and Structures of Character in Proposal 2: Heritage Assets of the East Preston NP. Therefore, it is relevant that the Arun LP in para 16.3.3 talks about the protection of Locally Listed Buildings.
- The proposal is contrary to Policy D DM1 of the Arun LP because the materials not not reflect those found in the surrounding area.
- The proposal is contrary to Policy D DM4 because it does not respect the building.
- The proposal is contrary to Policy HER DM2 because it would harm a building nominated for the Local List.
- It would be contrary to Policy 1 of the East Preston NP because it would not reflect the architectural and historic character of surrounding buildings.

COMMENTS ON REPRESENTATIONS RECEIVED:

- The representations make reference to an existing rear extension which was smaller than one recently built. The existing rear extension has not been rebuilt, it has been recently re-clad.
- While the building was proposed as an addition to Arun's Local List of Buildings and Structures of Character in Proposal 2: Heritage Assets of the East Preston NP, this was only a proposal / nomination, the building was not later added to Arun's Local List, therefore Policy HER DM2 of the Arun LP and para. 16.3.3 which refers to the protection of Locally Listed Buildings are not relevant.
- Policy 1 (Housing - General Principles) of the East Preston NP refers to residential development not commercial development.
- Comments have been made the rear extension being dangerous and regarding the nature of its construction, however, these are not planning matters and are matters that come within the remit of Building Regulations.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site: None applicable.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)

[East Preston Neighbourhood Plan 2014 Policy 4](#) Design in Character Area Three

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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 the design of the proposed new shop front and the rear extension would not harm the character and appearance of the host building.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE OF DEVELOPMENT

Policy SD SP2 Built-up Area Boundary is applicable. The proposal for development is within the Built-up Area Boundary of East Preston Village where development should be focussed and will be permitted subject to consideration against other policies of the Local Plan. Therefore, the principle of development is acceptable.

CHARACTER AND APPEARANCE

Policy D DM4 (Extension and alterations to existing buildings) requires that the materials used in an extension should sympathetically relate to and be visually integrated with the existing building. Policy 4 (Design in Character Area Three) of the East Preston NP will support development proposals provided the materials amongst other things sustain and enhance the significance of the historic character of the area and employ materials that harmonise with those present on existing buildings.

The application seeks permission for the cladding of the existing single storey rear extension. The existing extension is constructed from timber and whilst it was originally clad in timber has been re-clad in anthracite coloured cement cladding. The application seeks to regularise this through the submission of this application.

The rear of the building and the existing extension is of no architectural merit but does not detract from the character of the original building. A service yard is located to the rear of the building with the rear elevation of the building having several structures attached at ground level which are in a poor condition and feature a mix of materials. The fact that the rear of the building has no particular architectural merit, is neglected at ground floor level, and fronts onto a service yard that is not part of the wider public realm means that the cladding of the extension has little impact upon the established character of the building or that of the wider locality. Therefore, the grey anthracite cladding of the extension does not result in any unacceptably adverse harm which would justify refusal of the application.

The other element of the proposals which is the subject of consideration in the determination of this application is the replacement of the existing shopfront. The proposals seek permission to replace the existing shopfront with a new black aluminium shop front.

Representations have been received objecting to the proposed colour of the material for the shop front (black) as it would not be in keeping with the light colour of other existing shop fronts within the parade and that it would detrimentally impact upon the established character of the locality. The character of the shopping parade includes cream painted shop fronts (timber) and the "Clock House" which is cream and blue (to the north). Whilst the proposed black finish of the proposed shop front would break the continuity of shop fronts, which are predominantly characterised by creams and lighter tones. In this case, the existing shop front could be painted without the need to secure planning permission. Therefore, it would be considered unreasonable to seek to control the colour/finish of the shop front.

The existing design features of the shop front and that of several other shop fronts within the parade are historic. The Arun Design Guide requires that historical shop fronts are always preserved and restored. Many of the traditional shop front features which inform the wider character of the locality would be lost through the replacement of the existing shop front.

Originally the application proposed a replacement shopfront which would have seen the removal of the stallriser; the high level transom windows would have an arrangement of 2 instead of 3 which is the current and traditional format; and the fascia would be without a cornice above it. It was considered that the lack of preservation and restoration of these historic features would have been to the detriment of the historic appearance of the building as well as the character of the parade of shops.

However, following negotiations with the applicant the scheme has been amended to retain the stallriser, the arrangement of the high level transom windows as well as the cornice above the fascia. The only element which would be lost through the amended proposals would be the recessed shop front and in this case it is considered that this alone does not undermine or result in unacceptably adverse harm to the established character of the building or wider locality.

Therefore, it is considered that the replacement shop front and proposed cladding to the rear extension would not harm the appearance or character of the building and would comply with Policies D SP1, D DM1 and D DM4 of the Arun Local Plan 2011-2031, as well as Policy 4 of the East Preston Neighbourhood Plan and the Arun District Design Guide 2021. Therefore, it is recommended that planning permission is granted for the proposed development subject to the below conditions.

RESIDENTIAL AMENITY

The proposed alterations to the shop front and cladding of the rear extension by virtue of their nature are not deemed to result in any unacceptably adverse harm to the amenity of any nearby residential properties or existing uses within the locality. Therefore, the proposal is deemed to accord with policy D DM1 of the Arun Local Plan.

SUMMARY

The proposed development accords with relevant development plan policy and as such is recommended for approval subject to the below conditions.

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 the following impacts have 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).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This site is in CIL Zone 4 (Zero Rated) as other development. Also no additional floor space is proposed.

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, elevations, site location plan and site block plan - 1316.01.B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 **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.