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QUEENS PARADE, NORTH ROAD, LANCING, WEST SUSSEX BN15 9BA

ADDITIONAL STOREY ABOVE EXISTING 2 STOREY BLOCK TO PROVIDE 6 SELF-CONTAINED FLATS

GROUNDS OF APPEAL

The Appeal Site

The appeal site measures 0.37 hectare in area and it comprises a 2-storey building known as Queens Parade, occupying the corner on the west side of North Road, and north of the junction with Culver Road.

The site is located within the designated shopping and business centre of Lancing town centre. Lancing carries the description of Britain's "largest village".

The building dates from the mid-1960s and consists of retail units on the ground floor, including a larger supermarket unit at the north end, as well as smaller retail units wrapping round the corner into Culver Road.

There are residential flats on the first-floor. The building is made up of 2-storey flat-roofed elements fronting North Road and Culver Road, stepping down in scale at the rear to single-storey.

There is a service yard at the rear which is enclosed on the north side by the larger supermarket unit which extends the full depth of the plot. The yard is accessed from the south from Culver Road by a vehicular drive and narrow footpath positioned on each side of the British Legion Club. The yard is used by the supermarket for deliveries via a large loading bay in the south side of this unit.

There are 10 garages located in 2 rows of 5 located to the west and south of the yard. The flats are accessed from Culver Road by an internal stairwell leading onto a communal open deck at the rear, and also by a single set of external steps leading onto the deck from the rear yard.

At the front of the building a projecting concrete canopy horizontally separates the ground and first-floor elements of the building and wraps round into Culver Road. At

the northern end of the building the first-floor extends over the canopy, which is supported by concrete columns.

To the north is an access drive leading to Monks public recreation ground, WC's and playground. Beyond is a modern three-storey building consisting of offices with flats above (No.101-103 North Road).

Relevant History

ADC/0023/10 - Erection of additional storey above existing 2-storey block of shops and flats to form 8 self-contained flats (4 x 1-bedroom and 4 x 2-bedroom) refused in April 2010 on the following grounds:

> "1.The proposal would constitute an over-intensive use of the site, resulting in an unsatisfactory standard of accommodation and a lack of amenity space for future residents to the detriment of the environment of the locality contrary to the policies of the Adur District Local Plan (AG1, AH2).
> 2. The proposed treatment of the extension at the corner of North Road and Culver Road, by reason of its design, use of external materials and prominence in the streetscene would detract from the visual amenities of the locality contrary to the policies of the Adur District Local Plan (AG1, AH2)."

AWDM/0178/12 - Planning permission was refused for an additional storey above existing 2-storey block (with dormers and gables within new roof) to provide 6 no. selfcontained flats (1 x 1 bed, 5 x 2 bed) with rear staircase block to north side and access walkway, alterations to existing elevation treatment, storage for 18 cycles (should read 16) and provision of rear amenity areas for existing flats. This was refused on 28.01.2013 on the following grounds:

> "1. The proposal would constitute an over intensive use of the site and would provide an unacceptably poor standard of residential accommodation for future occupiers lacking any external amenity space provision and with poor means of access and inadequate facilities for the storage of refuse/waste. By reason of its size and 'bulk' the proposed second floor would detract from the residential amenities of existing residents, with the intensification of development on this constrained site likely to lead to a worsening of the existing poor residential environment. The proposed development is therefore contrary to saved policies AG1, AH2 and AS1 of the Adur District Local Plan.
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> 2. The proposed development, by reason of its scale, massing, architectural composition and poor quality design would appear as a prominent and unsympathetic addition to the streetscene which would be poorly related in visual terms to the existing building and would detract from the visual amenities of the locality. The proposed development is therefore contrary to saved policies AG1, AH2 of the Adur District Local Plan, policies CC1, CC6 and BE1 of the South East Plan and would not provide the uplift in the appearance of the existing townscape sought by the Lancing Village Vision (2012).

3. No evidence has been provided that the necessary contribution would be made to improvements to sustainable transport to help offset the effects of the travel and associated infrastructure demands generated by the proposed development as required by the West Sussex Revised Parking Standards and Transport Contributions Methodology."

The Proposal which is subject of this Appeal

The scheme comprises three 2-bedroom (4 person) flats, two 2-bedroom (3 person) flats, and one one-bedroom 2-person flat.

This planning application is the third attempt to secure the addition of a second-floor to the southern part of the perimeter block fronting North Road.

The additional floor would be 65m in length and up to 14m in depth partially wrapping around the corner into Culver Road. It would abut the south side of the existing higher element above the supermarket and would have a part pitched/part flat-roof.

On the North Road frontage the pitched slope would incorporate a series of twin gable features (11m high) projecting above the new eaves, interspersed with pairs of dormers. The corner would be defined by a hip with 2 more modest gable features (9.2m high) incorporated on the Culver Road frontage.

The new flats would be accessed by extending the existing common stairwell from Culver Road, into the new roof and onto a new open access deck at the rear. There would be alterations to the external materials and finishes of the existing frontage elements to consist of a mixed finish of facing brick, painted render and fibre cement weatherboarding.

The differences to the most recent refused application (AWDM/0178/12) are:-

1. Parts of the existing rear walkway demised to existing flats would be refurbished with timber decking and planting boxes with mature shrubs to form natural screening;

2. Communal bin stores on second-floor provided for proposed flats, with bins taken down to ground-floor on collection day by caretaker.

The Issues

The Council alleges that there would arise an "over intensive use of the site" and allegedly a poor standard of residential accommodation. They claim that the lack of external amenity space provision and inadequate facilities for storage of refuse and cycles.

The Council also alleges bulk, and that there would be an unsympathetic addition to the street scene.

The third reason for refusal merely relates to the request for a financial contribution, which can be settled by the provision of a section 106 undertaking, which is submitted in the appeal as a Unilateral Undertaking.

The appellants submit that there would not be any over intensive use of the site and adequate accommodation would be provided for a development of this nature in this type of location. There would be no harm to amenity.

Oddly, the decision notice states an informative which reads, "The Local Planning Authority has acted positively and proactively in determining this application". In our view, the local authority has ignored the sincere steps taken to overcome previous objections, and has not recognised the significant planning benefits of the scheme. The LPA has not acted positively at all, and has not interpreted its own policies correctly.

Planning Policy

The National Planning Policy Framework sets out three dimensions to sustainable development: economic, social and environmental:

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and requirements, including the provision of infrastructure. The application site is ideal for contributing to local economy, by creating homes; and siting such homes close to shops and services which would boost the local economy.

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, minimise waste and pollution. In this respect, the quality of the residential accommodation will be suitable, and there would be no conflict with the visual aspects of the development.

The proposed development is sustainable because it makes best use of urban land without encroaching on the countryside; it lies very close to the town's railway station; and it is located in the town centre comprising shops and services, giving rise to less vehicular trips. Accordingly, there is a policy presumption to grant planning permission.

Other relevant quotes from the NPPF are:

"Development that is sustainable should go ahead, without delay" (Minister)

"Where the development plan is absent, silent or relevant policies are

out-of-date,(our underline), granting permission unless:
– any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; (paragraph 14)

"recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; ... allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability." (paragraph 23)

"local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport". (paragraph 30)

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles." (paragraph 60).

Since the Adur Local Plan is very out-of-date, the application should be determined in accordance with the NPPF, which demonstrates that planning permission should be approved for this kind of development.

The Adur Local Plan

The Adur Local Plan was adopted in 1996, long prior to the adoption of the National Planning Policy Framework. Accordingly, the latter takes precedence. Indeed, the adopted local plan is dated, and is now over 20 years old.

Notwithstanding this, the scheme does accord with the Adur Local Plan. The Adur Local Plan provides for a positive approach with a presumption of this type of development to be approved. Thus it may be said that together with the NPPF there is a double presumption to grant planning permission.

The policies referred to in the Council's decision are as follows:

POLICY AG1
The built-up area boundary is shown upon the Proposals Map which distinguishes between the countryside and coastal beaches in the District and the principal existing or potential built-up area.
Within the boundary, development will normally be permitted, subject to other policies in this Local Plan and to it not detracting from the existing local urban environment.

This policy contains the presumption that development will normally be permitted within the urban boundary. It does not show any presumption against the proposed development.

POLICY AH2
New residential development by way of infilling or redevelopment will be acceptable in the built-up area, providing the site is not allocated for any other purpose in this Local Plan. Any proposal will be expected to be designed so that:-
(a) its appearance, character and scale create a pleasant place in which to live and is in keeping with and enhances the existing local environment with particular attention being paid to the architectural form, height, materials, density and layout of both buildings and associated structures and hard surfaced areas;
(b) it respects the existing natural features of the site, including land form and trees;
(c) it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;
(d) it incorporates adequate standards of residential amenity for the new dwelling(s) in terms of open amenity space, daylight/sunlight, outlook, and privacy;
(e) access arrangements to the public highway and on-site parking arrangements are acceptable under Policy AT12, and
(f) it accords with the standards adopted by the District Planning Authority.

This policy also commences with a positive presumption. As the building is already occupied by residential flats, it may be safely assumed that future residents would likewise be satisfied with the standard of amenity. There can be no justification for refusing residential units simply because they are located in the town centre. On the contrary, the location of such units close to public transport, shops and services, gives an overwhelming justification for permitting them on grounds of sustainability, in line with the National Planning Policy Framework.

The existing building is not of outstanding architectural merit, and the additional storey would be of an attractive design, giving the building more the identity of a local landmark. Further townscape issues are discussed below. There are no problems which can be identified regarding the amenity of both existing and proposed occupiers of residential units. There would be no disturbance, loss of light, loss of outlook, or loss of privacy.

POLICY AS1
Permission will be granted for the development of land (including changes of use and extensions to existing premises) within the areas shown as subject to this policy on the Proposals Map for shopping and food and drink purposes falling within Use Classes A1 and A3 of the Town and Country Planning (Use Classes) Order 1987, subject to compliance with all of the following criteria:-
(a) there will be no loss of residential accommodation at upper floor level, where such accommodation is self-contained or capable of being

self-contained and affords an acceptable standard of residential amenity;
(b) there will be no loss of amenity to nearby residents;
(c) on-site car parking arrangements and access to the public highway are acceptable under Policy AT12, and
(d) any development is of a scale and design, including construction materials, appropriate to the locality.
Development which involves loss of existing shopping provision (Use Classes A1 and A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area.

As this scheme does not comprise any proposal for shopping, food and drink uses, we do not see why this policy has been quoted in the refusal. Nevertheless, it is important to point out that the addition of these residential units in the town centre contribute positively to the functioning of the centre. Businesses become enhanced by the addition of residents above the shops.

A further relevant policy is:

POLICY AH5
There will be a presumption in favour of the supply of dwelling units suitable for small households (such as single persons, small families and the elderly).

Lancing Village Vision 2012

The refusal refers to the objectives of the Lancing Vision 2012. However, this is not a planning policy document, and it carries more the identity of a type of position statement.

It is interesting to note that the front cover of the Vision document portrays a three storey building with shops on the ground floor and residential above. That is precisely what we propose.

One of the core recommendations of the vision is to transform the heart of Lancing into a vibrant 21st Century village, a place that is diverse and full of life, established as a lively seaside resort. The vibrant nature of the resort can be improved by maximising the potential of the town centre, by the provision of additional flats within the urban boundary, in accordance with planning policy.

Analysis

We have shown above that there are four policy presumptions in favour of this development. The NPPF provides a presumption for such sustainable development; Policy AG1 presumes positively for development within the boundary; and Policy AH2 and AH5 carry presumptions (as above).

The planning officer on this case writes in the report:

"The existing building has no architectural merit. Its appearance within the

street scene is dominated by the heavy projecting canopy which visually divorces the ground-floor uses from the residential accommodation above. The upper floor is articulated solely by the fenestration pattern and materials. The integrity of its original appearance has been undermined by the introduction of mis-matched replacement uPVC windows and poor maintenance of the tile-hung and rendered panels. The rear of the building is wholly utilitarian in appearance as might be expected at the rear of a mixed use commercial premises, but provides an unattractive and poor quality residential environment."

The report also accepts that there are other 3 storey buildings in the vicinity. The officer's objections to the proposed design appear to be forced and do not carry weight. Whereas some additional storeys simply add a rectangular structure and a flat roof to a building, in this case there has been a thoughtful design to provide a high quality design which is not bland.

We attach some photographs of the appeal site and of buildings in close proximity. These indicate that the concept of the three storeys building in Lancing would not be out of scale or out of character. Indeed, the design of the proposed building would be a significant enhancement to its current appearance, erroneously labelled by the planning officer as unattractive.

There is no plausible explanation to date as to why the Council thinks that there will be harm to amenity. Existing flats benefit from occupying Queens Parade without any undue concerns. It is a legitimate feature of any town centre to find flats above shops. Indeed, government policy encourages flats above shops.

The lack of amenity space is a common feature for any residential unit above a shop in a town centre. It is therefore surprising that the Council should make reference to this in the reasons for refusal. It is even more surprising when considering that there is a large public open space to the rear of the site, known as Monks Recreation Ground, situated on land bounded by Culver Road, Annweir Avenue, and Crabtree Avenue. One can even see part of it on the location plan submitted with the planning application. It features prominently in the "Village Heart" diagram in the Lancing Vision 2012 document.

There is no justification for the Council to mention storage refuse, since this is provided for in this revised scheme. What appears to have happened is that the Council simply composed a similar wording to the previous refusal without giving due full consideration to the revisions. Besides, if there is indeed concern on this matter, it can be dealt with by a condition.

Provision of flats above shops does not always enable provision for cycles. It is important to note that the Adur Local Plan does not make a requirement for cycle parking. Although it refers to the West Sussex county standards, these merely "recommend" 0.5 space for cycling, and do not specify it as a requirement. There is therefore no policy justification to refer to cycle parking.

Notwithstanding this, it is important to point out the background context relating to cycle parking. In the previous application which was refused, cycle parking for 16

cycles was shown in the proposed side wings of the 2nd floor (not 18 cycles as described in the decision). Following the refusal for lack of refuse storage space, the architect changed to two side wing areas to refuse storage space, abandoning the cycle storage. (The previous plan showing cycle spaces is attached – unfortunately both that plan and the revised plan are numbered 4A dated December 2011, but one was a revision of the other.)

Given that it is certainly unnecessary to provide 16 cycle spaces for just 6 new flats, it seems that there is an opportunity to use the larger side wing (on the left of the plan) for refuse for all 6 flats, and to provide cycle storage on the right side of the plan for 6 cycles and some recycling storage. Although this had not been part of the planning application, it is possible to approach this way by means of a condition, if the appointed appeal Inspector considers this to be suitable.

The refusal refers to an alleged "intensification" and a "worsening of the environment" but it does not say how or why. Just because 6 flats are introduced into a town centre, it does not follow that it will worsen the environment. On the contrary, it will contribute positively to the town. We therefore await the comments of the local authority before we can comment further.

To suggest that this is a "poor residential environment" is to suggest that people should not live in a town centre. It also suggests that the people already living these should not do so. This is not an industrial estate. It is a mixed area comprising shops and residential uses, within a town centre close to a railway station. It would be attractive, it would be sustainable, and it would beneficial.

The Council also fails to explain why the development would be harmful to "visual amenity". We strongly disagree that the scheme would cause a visual intrusion, as it has been deliberately designed to be of a scale and size which blends well into the local townscape. The mere fact that a storey is added to a building does not create a "visual intrusion".

Third Party Representations

It is not clear if all representations are on the Council website. Even if they are, some parts have been obliterated by the Council. We therefore rely on the officer report which summarises these, and will comment further at a later stage in this appeal.

A number of objections raised are not planning matters(e.g. structural issues, maintenance). The issue of car parking is dealt with by Council officers. Given the proximity of the station and shops, flat owners are not likely to own a car.

The issue of refuse disposal has been addressed in the latest application, which is the subject of this appeal.

Adequate distance lies between the appeal site and other properties to obviate any concerns about loss of light or privacy.

The allegation of 'overdevelopment' is not explained. It is an easy word to use when a building is enlarged. However, as has been explained in the Design and Access

Statement, the scheme would incorporate a pitched roof, dormers and gables, which would add an attractive touch to the building.

Section 106 and Reason 3

We attach a draft unilateral undertaking which would overcome reason no. 3 for refusal.

Notwithstanding this section 106 undertaking, we would point out that the Council has not to date demonstrated the need for this contribution. It is not clear what kind of planning objection this seeks to overcome and what such a contribution would be put to overcome any suggested objection. Under the new CIL Regulations, the appointed Inspector has the power to determine whether such a section 106 should be upheld.

To illustrate our point, we attach a recent appeal decision at 4-6 Charlotte Street, London W1T 2LP dated 22 August 2014. The Inspector wrote:

> "...I have not been provided with sufficient information to establish that the obligation is necessary to meet the three tests for obligations set out in Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations. One of these is that the obligation is necessary to make a proposed development acceptable in planning terms. In particular, I have been given no explanation as to how the proposal would unacceptably contribute to parking stress and congestion in the surrounding area. It does not follow to my mind, that this is an automatic corollary, in the absence of a completed Obligation. Moreover, with a Public Transport Accessibility Level rating of excellent and sited within the Congestion Charge zone, this would suggest to me that residents of the proposed development would be disinclined towards car ownership in any event.
> 16. On the second main issue, I therefore conclude that it has not been demonstrated that the proposal would give rise to unacceptable levels of on street parking and congestion in the area and the absence of an Obligation is not accordingly, a decisive factor in this appeal."

The discussion in that appeal was based on the decision of the High Court in the "Acons" case (copy attached.)

Conclusion

We have shown above that the proposed development would be of an exemplary design, and would not cause harm to the amenity of existing or proposed residents. The adopted policies carry presumptions to approve this development, and there are no material considerations which would outweigh the policy presumption to grant planning permission.

Accordingly, the appointed Inspector is respectfully asked to allow the appeal.

Attached documents

1. Draft Statement of Common Ground
2. Draft section 106 undertaking
3. Officer report
4. Adur Vision 2012
5. Previous plan 4A
6. Appeal and costs decision 4-6 Charlotte Street W1
7. Acons case
8. Photographs and key