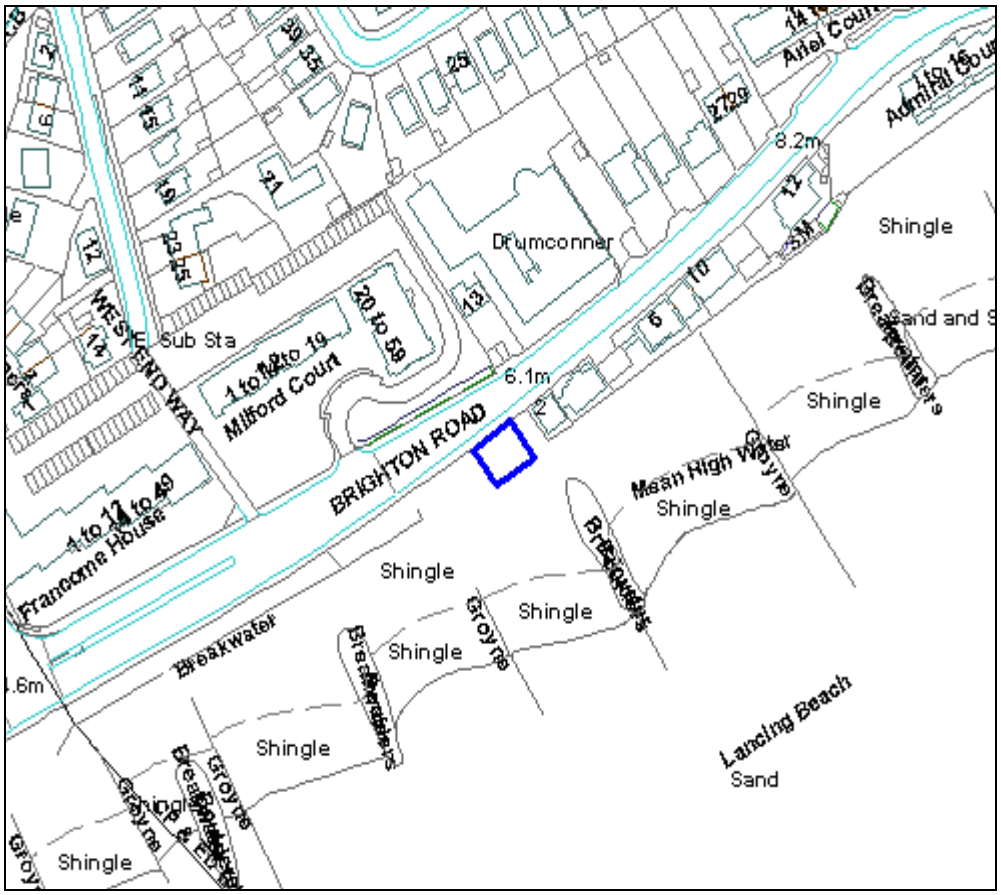
Application Number: AWDM/0066/12 Recommendation – REFUSE

Site: Land Adjacent 2 Brighton Road, Lancing

Proposal: Retention of temporary staff parking area for Drumconner for a further 2 years



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Proposal, site and surroundings

The application is, in effect, for renewal of the expired temporary permission granted retrospectively in May 2009 (ADC/0124/09) and renewed in June 2010 (ADC/0177/10). On both occasions, the applicant sought permission for 3 years but only one year was granted. The most recent permission lapsed on 30 June 2011 and a Breach of Condition Notice was issued on 11 January 2012 with a compliance period of one month.

The site is contiguous with the beach and is to the west of the last dwelling on the south side of the A259, the bungalow at No.2 Brighton Road which is only about 1m away from the boundary. The eastern end of the site has recently been sold to the owner of No.2 (to building a small side extension) resulting in the width of the application site being reduced from 21m to 16.5m. It remains 13m deep.

The front part of the site was, until its unauthorised surfacing in 2009 with compacted MoT tarmac-type material, rough grassed with the rear part shingle merging with the beach. The east part had been used informally by the neighbouring resident for some years for parking. The site is stated to accommodate 10 cars. There is a 0.75m high close-boarded fence (with pedestrian gate) on the frontage to the east of the access (which is about 3m wide with a dropped kerb) and a rough 0.8m hedge (with mounding of similar height behind) on the west part of the frontage. However, the east and south sides are open to the beach.

To the west of the site is a short undeveloped stretch of beach, with a row of beach huts 25m further to the west. To the north, on the opposite side of Brighton Road, there is a 10-storey block of 40 flats (Milford Court) with the large Drumconner Rest Home on its east side.

The Design & Access Statement with the earlier application stated that the car park will be used for a temporary period as staff parking for up to 10 cars pending completion of the extensions and refurbishment at Drumconner Rest Home, a significant local business which is expanding and providing employment. The Statement with the present application is very similar, stating that the car park will be used for staff car parking to enable major extensions/refurbishment to be constructed under the subsequent permission ADC/0460/09 (for first-floor extensions). It is stated that the site shingle will be reinstated at the end of the period and all imported/compacted aggregates will be removed.

A previous application to build a three-storey house on the site was refused in May 2007 (ADC/0177/07), an earlier application having been withdrawn (L/40/04).

Consultations and Representations

West Sussex County Council: No objection, stating that they are not aware of any problems. Previously recommended conditions requiring the provision of pedestrian visibility splays either side of the access and requiring the access to be closed immediately upon completion of the extensions and refurbishments of Drumconner.

Environment Agency: Object on grounds that the car park restricts access for essential maintenance of stability against erosion and in emergencies of the shingle sea defences, and adversely affects any future construction work for flood defence purposes. It therefore compromises the sea defences and increases the risk of flooding in the locality, contrary to PPS25. Comment that they did not object to temporary use during the previous construction project at Drumconner but now it is completed, the car park should be removed and the beach reinstated. Add that they would be likely to require its removal under their own Bylaws if planning permission is granted.

Lancing Parish Council: Objects, stating that there had been enough time to have completed the building works and to continue to use the beach as a car park was unnecessary as there is sufficient space on the Drumconner site. The beach should be reinstated at the earliest opportunity.

Third Parties: 5 emails/letters of objection or concern have been received from residents of Flats 4, 6, 23, 40 & 49 Milford Court, as follows:-

- The resident of Flat 4 states development of the beach is not acceptable; it spoils the view and detracts from property value (NB. the latter is not a valid planning consideration)

- The resident of Flat 6 states this car park was only permitted temporarily during building work at the Drumconner Home which is now as good as complete and it has over-run the expiry of the temporary permission by 6 months, yet is still being used. Persons visiting the beach have to suffer direct noise and fumes. The location is unsuitable for an access with its restricted visibility and obstruction of the traffic flow; there is a perfectly good and expansive car park at Drumconner itself which should be utilised. Further expansion of the commercial activities of Drumconner within this residential area should be resisted. The unauthorised car park and its tarmac must be returned immediately to beach as required by the temporary condition imposed and the Breach of Condition Notice recently issued.
- The resident of Flat 23 states that the building works at Drumconner appear to be substantially completed and yet the car park at Drumconner itself is frequently almost empty whereas the unauthorised car park on the beach is full. If the applicant can show a definite need for the temporary car park during building work not yet done, he would not object but, in the absence of this, the latest application should be resisted. He expresses surprise that there has not been a serious accident from vehicles driving across the footpath/cycle path.
- The resident of Flat 40 bemoans the continuation of the use despite a sizeable parking area and garage at Drumconner which would comfortably allow for 8 vehicles states and, with the existing area to the east, should provide sufficient parking space. Requests refusal of this application so that the beach can be reinstated as a natural part of the environment.
- The resident of Flat 49 (who also owns the land to the west of the site including the end 3 beach huts) states that the application for another renewal for 2 more years is tantamount to seeking permanent permission. The building work at Drumconner has been completed but the owner ignored the requirement to remove the car park by June 2011. It looks unsightly having cars on the beach and vehicles turning in and out constantly create problems for pedestrians on this busy public footpath. He states that he has been approached regarding possible use of his beach land as a car park and wonders if this would be permitted if the present application is renewed. He states that he and other Milford Court residents want the car park turned back to beach.

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, CC1, CC3, CC6, T4, NRM8, BE1
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AR2, AR12
PPS1 ‘Delivering Sustainable Development’ (ODPM 2005)
PPS25 ‘Development and Flood Risk’ (ODPM 2006)

Planning Assessment

Policies

In the Adur District Local Plan, the site (to a depth of approximately 12m) is located within the built-up area boundary. This definition of the built-up area stretches westwards to include the row of beach huts (as far as the Worthing boundary). Under policy AG1, in principle, development is normally permitted within the built-up area boundary “subject to other policies in this Local Plan and to it not detracting from the existing local urban environment”.

The site is approximately 13m deep and therefore extends marginally beyond the defined built-up area boundary. This strip at the rear is shown in the Local Plan as part of the beach and is subject to policies AR2 and AR12. AR2 refers to recreational areas not owned by the Council and states that permission will not be granted for non-recreational uses of such areas and encouragement will be given to owners to make these areas available to the public to use as open space. The explanatory text states that these areas have for many years been accessible by the public and are an established resource in recreational terms and it is important that these areas are protected for such use. AR12 states improvements to public facilities will normally be permitted.

Visual Amenity and Character

It is acknowledged that the majority of the site is located within the built-up area as defined in the Local Plan. However, undeveloped beach frontage is a scarce asset and it is desirable that it is retained. It is a recreational area of benefit to a large number of people and is of significant public importance. The beach view is enjoyed by not only those who live opposite and adjacent to the site but also by motorists, cyclists and walkers.

It is considered that the temporary car park, both by reason of is construction and the cars parked upon it, is detrimental to the appearance of the locality and out of keeping with its character. If an extension of the temporary permission is granted for a third time, as now sought, this would result in the loss of part of the undeveloped beach for an unacceptable length of time.

Effect on residential amenity of residents and beach hut users

There is a degree of detriment to users of the beach which includes beach huts (about 25m west) from vehicle fumes and noise but the main detriment is to the visual quality and character of the beach front.

There is limited adverse impact on the residential amenities of the neighbouring bungalow. It has its main livingroom window located on the western elevation very close to the boundary and facing across the site. However, part of the site has been sold to enable the bungalow to be extended.

Highway safety

WSCC, as local highway authority, have no objection. The vehicular access to the site from the A259 is about 3m wide and has a dropped kerb. The existing front boundary fence/hedge/mounding is low enough not to obstruct visibility of pedestrians and cyclists. The pavement on this stretch is designated for the use of cyclists as well as pedestrians. Visibility is good in both directions.

The amount of traffic generated by a 10-space car park is not considered to be such as to give rise to significant detriment to highway safety. Provided cars are parked along the rear of the site, there is adequate space for cars to turn and re-enter the highway in forward gear. There is a sign stating that unauthorised users will have their vehicles clamped, which should discourage use by the wider public.

Flood Risk

It is considered that the car park compromises the sea defences and increases the risk of flooding in the locality, contrary to PPS25. The Environment Agency object to any further retention of the car park because it restricts access for essential maintenance of the stability (against erosion and in emergencies) of the shingle sea defences, and adversely affects any future construction work for flood defence purposes. Comment that they did not object to temporary use during the previous construction project at Drumconner but now it is completed, the car park should be removed and the beach reinstated. They add that they would be likely to require its removal under their own Bylaws if any renewal of planning permission were to be granted.

Need for the car park

The car park in question was required only for a temporary period, during the use of part of the existing car park at the nearby Drumconner Home by builders for storage of materials, etc connected with the enlargement and improvement of the nursing home. That particular major building project has been completed and there is serious and increasing concern about the length of time that this temporary car park is being retained. It was argued by the applicant at the time of the last application in May 2010 that the more recent permission ADC/0460/09 (for first-floor extensions) was about to be commenced. However, this has not happened and exactly the same argument is now being repeated again some 20 months later. There is no evidence of impending commencement of building work.

Moreover, there is no indication as to the extent to which the car park at Drumconner would be required by building contractors for storage of materials, etc to implement the permission L/0460/09. Currently, and for much of the latter part of last year, the car park at Drumconner appears to have been available for car parking use and to be greatly under-utilised.

Additionally, under PPG13 and the transport policy T4 of the South East Plan, it is important to discourage use of private cars and encourage staff to use more sustainable means of transport such as walking, cycling and public transport. The site is on a bus route with a frequent service during the normal working day and is within walking distance of the railway station. It is considered this adds weight to the conclusion that the temporary use of this land as a car park should cease, the surfacing be removed and the access closed, as required by the Breach of Condition notice that has been issued.

Recommendation

REFUSE for the reason that:-

1. The car park is detrimental to the appearance and environmental quality of the beach as a public recreational area and does not accord with the objectives of policies AG1 and AR2 of the Adur District Local Plan or with the aims of PPG13 and South East Plan policy T4 to discourage use of private cars in the interests of sustainability. It is no longer appropriate to grant a temporary permission as the degree of need for the car park is no longer considered to outweigh the planning objection.
2. The car park restricts access for essential maintenance of stability against erosion and in emergencies of the shingle sea defences, and adversely affects

any construction work for flood defence purposes. It therefore compromises the sea defences and increases the risk of flooding in the locality, contrary to PPS25.

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