Expiry Date -

Development Control – Delegated Officer Report

Application Number: **AWDM/0699/13**

Recommendation – REFUSE

Site: **95 South Street**

Proposal: **Outline Permission for front extension and creation of additional floor within new mansard roof to facilitate one ground floor retail unit, 3 no. two bed flats and 2 no. one bed flats with 3 parking spaces**

Neighbours checked: Y

Additional neighbour notifications: /N

Proposal, Site and Surroundings

The proposal is for outline permission for a two-storey front extension and new mansard roof to a modern flat roof brick building with timber clad exterior. These physical works would facilitate the creation of a ground floor retail unit, 3 no. 2 bed flats and 2 no. 1 bed flats with 3 parking spaces.

The application site is situated within the built up area of Lancing to the south of the Town Centre. It lies to the east side of the main road on a corner site, and currently the ground floor of the building is put over to two commercial premises. The upper floor consists of a 2 bed residential flat. Vehicular access serving the commercial premises and an exterior staircase to access the upper floor flats is to the rear.

This is an outline application with all matters reserved, although included are details of layout, scale and access. Whilst internal floor plans and elevational drawings have been submitted, these are for illustrative purposes only.

Nonetheless the Design and Access statement (D&A) states the principles and concepts set out in it will be used if the site is developed “in the future” - so any reserved matter would be constrained to the “parameters” set out in it and future decisions associated with the outline permission would be consistent with the D&A.

Relevant Planning History

None

Consultations (summarised)

West Sussex County Council Highways:

The existing use as a retail establishment could have generated “drop in” customers. From the supporting information and from evidence available on OS it

appears that servicing has existed previously at the site for a number of years to the rear of the site. Whilst both the existing and former use may have resulted in some short term parking on South Street, it is considered that the proposed change of use is unlikely to materially alter the traffic patterns to and from the site.

With regard to the proposed residential use, the new flats are to be situated in a sustainable location as the site is within walking distance of public car parks and has close links with the public transport network; in addition there are 3 parking spaces available to the rear of the site which will be allocated for the residential usage. Taking the proposals into account this application would not be anticipated to generate an increase in vehicle movements with respect to the existing use, and the peak usage times would not be expected to coincide with peak traffic levels in this area.

If the LPA are minded to approve this application a condition securing parking, cycle parking and plant materials should be included.

Net Population Increase	6.3
Net Parking Spaces	3
Net Commercial Floor Space sqm	0
Total Access (commercial only)	0.0000
Number of fire hydrants	0
Total TAD Contribution due	
	£4,650

Lancing Parish Council:
Whilst the Committee did not object to the principle of the application it nevertheless had concerns about the number of vehicles that this development would generate, which would likely exacerbate the parking problems experienced in the immediate vicinity.

Adur & Worthing Planning policy:

A retail loss would conflict with the current Adur District Local Plan which allocates this area for shopping use.

Adur & Worthing Environmental Health:

No environmental health objections and require the addition of the potentially contaminated land precautionary condition

Representations

None received

Policies and Guidance
Adur District Local Plan: AG1, AG3, AH3, AH5, AH7, AE6, AH9, AS1
Lancing Vision
National Planning Policy Framework

Planning Assessment

Principle

South Street Lancing from its junction with Grinstead Lane to its junction with the A259, is safeguarded as a district shopping centre under Adur Saved Local Plan Policy AS1 (protection of the district's shopping centres). This stretch of street also falls within the Lancing Town Centre designation. Policy AS1 instructs the local planning authority to resist extensions to existing premises in the following circumstances:

- *if there will be a 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;*
- *if there will be a loss of amenity to nearby residents;*
- *if on-site car parking arrangements and access to the public highway is unacceptable;*
- *if any development is of a scale and design, including construction materials, is not appropriate to the locality.*

That same policy goes onto to instruct the local planning authority to resist development which involves loss of existing shopping provision (Use Classes A1 and A3) if the proposal is likely to detract from the character and vitality of the area.

For the reasons set out below, it is considered the proposal would fail on all the above criteria, and is therefore resisted in principle.

Amount of residential and loss of existing shopping provision

The type of new residential units cannot be reserved in an outline application and this submission expresses a maximum floor-space for each of the proposed units.

Adur saved and emerging planning policies direct new housing demand and need within the district toward family housing as there is an oversupply of smaller flats. As part of expanding the choice of housing mix and rebalancing the shortfall of particular housing types in the locality, the aspiration for this development should be to bring forward family housing.

However the housing type that is proposed is limited to 1 and 2 bed flats, with no access to private outdoor space. This is a failure to secure the accommodation identified to be in need and demand. In contrast the existing flat is a spacious 2 bed flat with its own balcony.

Moreover, the proposal would undermine the viability of the retail element of the building. Currently the two self-contained retail units have a combined floor area of some 108 square metres and each has its own parking at the rear. This would be substantially reduced to a single unit, with a floor area less than half at present (some 57 square metres) and without apparent on-site parking.

The design and access statement has therefore failed to convincingly justify the amount of development proposed.

Urban design, visual amenity, character and appearance

Design issues should be explained and justified for outline applications, and include an explanation of the relationship to the character of the surrounding area. However indicative drawings illustrate an unacceptable scheme on design grounds.

The building that currently occupies 95 South Street, Lancing, was erected in a typical sixties style. Although the building noticeably differs from its neighbours in both architectural approach and materials, it is well set back from the South Street building line, and this together with its modest scale and set-backs, does help to mitigate its lack of context.

Most of the buildings in the vicinity have 35-45 degree pitched roofs incorporating gable features. Much of the Victorian urban form and scale and visual period character and appearance of the street has been retained, despite some modern infill developments.

The current proposals could create a building that has the opportunity to address South Street in a meaningful manner, by adopting the building line of its neighbours. Due to the building's corner location, one of the results of this alignment will be a much greater prominence in the street scene.

However, having chosen to create a second floor within a steep, 75 degree pitched, mansard styled roof, this alien roof form to the vicinity will, unfortunately, also have a much greater prominence in the street scene.

The "scale parameters" shown on the indicative drawings illustrate how the conspicuous block form of the new building's massing and bulk would have an uncomfortable and imposing relationship with other surrounding buildings. The introduction of two and a half storey development will appear out of keeping and intrusive. The relationship of the mansard roof form would be particularly poor in respect of the adjacent two-storey property to the north due to the exposed nature of the northern, vertical flank, which would stand well forward of its neighbour.

Because the new building would be physically joined to the property to the north, it is essential the proposal would respect its setting and appear as an integrated form alongside it.

The Design and Access statement is particularly dismissive of what exists locally. Rather than seeking to understand the context of the site and assess how it could influence and underpin the design of a development, it leaps directly to the conclusion that a modern design solution is appropriate.

This is a scheme that fails to satisfy the high quality design objectives of national and local planning policies. It would have a detrimental impact on the character, appearance and the visual quality of the area in general.

Residential amenity – Future occupiers

The indicative layout of access and parking areas would create a poor living environment for future occupiers. The indicative drawings indicate that the future living conditions of the ground floor flat would be substandard. Future occupiers would have their principal outlook from the living area and bedrooms either directly onto the communal parking court at the rear of the site and/or the public pavement. There would be no barrier to offer occupiers any reasonable privacy or relief from noise and disturbance from comings and goings.

The flats of the upper floors would experience some relief as they are positioned at a greater height, so are somewhat removed from street activity.

Residential amenity – effect on existing dwellings

The impact on neighbours is difficult to assess given the application is in outline form. However, the indicative drawings indicate the rear windows and dormers of the proposed building would be in direct view of the adjacent properties to the east and whilst distances are broadly acceptable, the fact remains that there would be a much larger building in close proximity to their private gardens which would be overbearing.

The adjoining building (No. 89/91) consists of a ground floor commercial premises and upper floor residential accommodation. A habitable room window is present in the rear gable of this building, serving as a means of light and outlook for the flat. Because the mansard roof would protrude beyond the rear wall of this building, it would reduce the light and outlook to this window, to the detriment of the neighbour's living conditions. The development would also overbear onto this neighbour.

Accessibility and parking, and Infrastructure contributions

Outline applications should show the access points to the site, together with the principles of access arrangements.

The access and visibility are acceptable to the Highway Authority, with no objection made on safety grounds. However the indicative layout plan fails to convince that it would be with ease that vehicles could turn on the site and exit in reverse gear.

Notwithstanding the local representations by Lancing Parish Council, the proposed parking provision on the site to serve the flats satisfies the West Sussex Parking Guidance as this is a sustainable location, close to local facilities and alternative means of transport other than the private car.

The proposal generates the requirement for a financial contribution toward transport infrastructure to migitate against the demand on highway infrastructure generated by the proposal. However no legal agreement has been secured.

Contaminated land

The site is not identified as contaminated so an informative would suffice to raise the applicant's awareness of this risk.

Recommendation

The submitted Design and Access Statement and illustrative drawings do not demonstrate that a high quality and inclusive scheme can be guaranteed or that a detailed design could be developed which reinforces the locally distinctive qualities of the area.

The proposed scheme therefore fails to achieve a satisfactory solution and would not create a development that is good enough to approve. The proposal would also adversely impact upon the amenities of neighbouring properties and fail to address the need to secure a contribution toward highway infrastructure.

In conclusion, there is probably scope for developing this site and the planning officer suggested an alternative solution before determining this application. However, the applicant wished this application to be determined, and it is duly refused.

REFUSE for the following reasons:

1) By reason of the incongruous form and scale and unduly prominent siting of the proposal and the poor layout design, the development would be unsympathetically out of context with the surrounding area and harmful to its character and appearance, and is therefore contrary to saved policies of the Adur local plan AH2, AH9, and AS1 and those relevant policies of the National Planning Policy Framework

2) By reason of the excessive depth and width of the proposal across the frontages of the site, the proposed building would have a bulk and massing which would be out of context with surrounding area and harmful to the spatial characteristics of street scene, and is therefore contrary to saved policies of the Adur local plan AH2, AH9, and AS1 and those relevant policies of the National Planning Policy Framework

3) By reason of the siting and excessive scale of the proposal in relation to the adjoining building, the proposal would be imposing and overbearing to the detriment of the amenities of residential occupiers of adjoining properties as well as being materially harmful loss of light to the occupier of the adjoining flat, and is therefore contrary to saved policies of the Adur local plan AH2 and AH9, and those relevant policies of the National Planning Policy Framework

4) By reason of its poor layout design and preponderance toward smaller flatted units of accommodation, the proposal would not create an satisfactory living environment or setting for future occupiers of the proposed building and because of the siting and extensive area of car parking, would result in a harsh appearance with limited potential for landscaping and boundary screening, and is therefore contrary to saved

policies of the Adur local plan AH2, AH3, AH5, and AH9, and those relevant policies of the National Planning Policy Framework.

5) By reason of the reduction in commerical floorspace and loss of associated on-site parking, the proposal would undermine the viability of the commerical premises retained on site to the detriment of the viability and vitality of the Lancing Town Centre shopping centre, and is therefore contrary to saved policies AE6 and AS1 of the Adur local plan.

6) In the absence of a signed and completed legal agreement no contribution for transport infrastructure has been made to the Highway Authority so the development would, if approved, be prejudicial to the Council's strategy to establish a comprehensive long-term framework for the development of infrastructure provision throughout the District, contrary to saved policy AG3 of the Adur District Local Plan.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Is recommendation contrary to any representations? N

Case Officer signed: Matthew Porter Date: 9-8-2013

Authorised and signed by: Peter Barnett Date: 9 August 2013