Application Number: ADC/0031/07 **Recommendation – REFUSE**

Site: **Smiths Yard, Old Shoreham Road, Shoreham-by-Sea**

Proposal: **18 three-storey dwelling units (16 three-bedroom townhouses with integral garages and 2 two-bedroom flats over garages) including 34 total car parking spaces with new access roadway and closure of existing accesses**

The Application

The site is located on the west side of the A283, within the built up area of Shoreham, within close proximity to the town centre. To the north, are a row of terraced houses with long narrow rear gardens. To the rear is a disused railway embankment which divides the site from the Riverbank industrial area beyond. On the opposite site of the road is the Swiss Cottage public house, with Freehold Street to the north, beyond which is Aston House, a 3 and 4-storey block of flats. To the south of the site and west there are car sales and business uses.

The site was previously used as a caravan park (mainly by travelling show people) and had a site licence for a maximum of 18 caravans granted in 1961. As existing, it appears that there are 2 caravans/mobile homes on the site and it has not been used to its maximum capacity for many years.

Permission is sought to develop the site with 18 new dwellings which would comprise 16 three-storey three-bedroom town houses and 2 two-bedroom flats. Each property will have a garage/carport at ground floor with habitable rooms above. The houses each have private amenity space. The existing two accesses will be replaced by a single access from Old Shoreham Road.

Consultations and Representations

County Transport Planning Services: Comment that more information is required in relation to visibility splays, turning space, Stage 1 Safety Audit recommendations, swept path diagrams, and internal speed controls. In response to the Transport Assessment coments that the PICADY analysis demonstrates the junction arrangement would operate well under capacity. If permission is granted, a section 106 Obligation would be needed requiring a contribution of £25,480 under the adopted Transport Contributions Methodology.

County Planning Services: The Infrastructure officer states that a section 106 Obligation is needed requiring contributions of £51, 237 for increasing the number of secondary schoolplaces in Shoreham and £3,558 for the library.

Director of Services: - The Head of Housing Need states that the application contains no provision for affordable housing and thus does not accord with Government policy as set out in PPS3. The Council's Core Strategy seeks a 35% proportion of dwellings to be affordable which in this case would mean 6 units out of the total of 18. The Housing Needs Survey update states that Adur needs 394 affordable homes per annum whereas an average of only about 40 have been achieved in recent years. There are currently 1,149 households on the Council's Housing Register of which 692 are families with children and 120 are in temporary accommodation.

The EHO has no objection subject to a planning condition to ensure the methods of glazing as stated in the 'Noise Assessment' are used.

Environment Agency: - Initially objected on the ground that the applicant's Flood Risk Assessment (FRA) did not adequately consider flood risk as required by Annex D of PPS25 and there was no evidence that the Sequential and Exception tests had been applied. However, are now satisfied that the FRA now incorporates the requirements set out in relation to PPS25 which demonstrates that the development will be safe, without increasing flood risk elsewhere and will reduce flood risk overall.

If permission is granted, recommends that conditions should be imposed in relation to surface water drainage, habitable floor levels and ground contamination investigation and remediation.

Southern Water: - There is currently inadequate capacity for foul sewage disposal and surface water disposal to service the proposed development. Should permission be granted the developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant must also consider alternative means for surface water disposal. Conditions should be attached to ensure that this is the case.

Sussex Police: - No objection. Suggestions are made in relation to the creation of a 'psychological barrier' which would define semi-public from semi-private space. There should be adequate lighting around the dwellings and in the courtyard.

Third Parties: - 3 letters were received in relation to the plans originally submitted (from residents at No's 67, 69 & 73 Old Shoreham Road) and one (from 89 Old Shoreham Road) in relation to the amended plans, expressing the following concerns:-

- Highway safety, the A283 is a fast road with a lack of pedestrian crossings, crossing points or islands should be part of the scheme.

- Flooding issues, flood defences are below standards in this area.

- Overlooking, a highway should be built between the site and No. 65 Old Shoreham Road, windows should not overlook the terraced properties.

- Concern that trees maybe lost which screen the factories to the south west.

- Noise and disturbance caused by building work, restrict hours of work.

- No objection provided houses are no higher than three storeys.

- Drainage should be adequate to not cause flooding to existing houses.

- Additional traffic, 30mph speed limit should be enforced.

- The development looks great

Pre-application public consultation was carried out by the applicant and the details of this are contained in the Planning Statement dated January 2007 submitted with the application.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, NE1, NE2, NE3, NE13, ERA1, DEV1, DEV4
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AG3, AP3, AB25-27, AT12, AH1, AH2, AH11 and Appendix 11 'Supplementary Planning guidance' comprising Development Control Standard No. 2 'Space Around New Dwellings and Flats'
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007): R1, STC3, H1, H3, T3-4, CI2, ENV3-5, ENV10
Interim Supplementary Planning Guidance on Affordable Housing (ADC 2004)
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003 & ADC 2004)
'The Provision of Service Infrastructure related to New Development in West Sussex – Part 1' (WSCC 1999)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPG13 'Transport' (DTLR 2001)
PPG23 'Planning and Pollution Control' (ODPM 2005)
PPG24 'Planning and Noise' (DoE 1994)
PPS25 'Planning and Flood Risk' (ODPM 2006)
'A Strategy for Shoreham Renaissance' (2006)

Planning Assessment

Land use

In the Local Plan, the site lies within the area covered by the Town Centre Inset Plan but is not identified for any particular use or development. In principle, the proposed development for residential purposes accords with both Structure and Local Plan policies. In order to meet the housing requirements of the Structure Plan, it is necessary that a significant proportion of new residential development takes place by way of infill and redevelopment sites such as this.

A key priority of recent policies, as contained in the Submission South East Plan, Structure Plan (NE6) and Submission Core Strategy (R1) is to attract appropriate new development, especially mixed use, in order to secure the economic as well as environmental regeneration of Shoreham (see Shoreham Renaissance below).

Policies

Structure and Local Plan policies encourage redevelopment and infilling to help meet the demand for dwelling houses for families, couples, single persons and the elderly, as well as affordable housing, and to make best use of urban land. This is encompassed in Structure Plan policy LOC1 but is on the proviso that 'the impact on the character of the area and the environment, resources and assets of the County is acceptable' and also in allocating sites in Local Plans that account should be taken of the need to protect and enhance the qualities and characteristics of settlements which local communities value.'

Policy DEV1, entitled high quality development, states that development should not be permitted unless the construction, layout, scale, appearance and landscaping are of high quality taking into account the need to amongst other things, integrate with and where possible enhance adjoining land uses and minimise conflicts between land uses and activities; have regard to context including site characteristics, townscape/streetscape, views into and out of the site and building styles/materials; give high priority to pedestrians and reduce the dominance of cars; create a high quality socially-inclusive adaptable environment; protect and enhance biodiversity; ensure energy efficiency; and meet the needs of service providers.

Policy DEV4 states amongst other things that development should not be permitted unless the travel needs it generates are met; it achieves safe and convenient access by a choice of means of travel; it encourages and enables an increase in walking and cycling; and the number and impact of motorised journeys is minimised. DEV5 states that 'development should not be permitted unless the level of parking is compatible with the need to avoid environmental

or safety problems and to encourage walking cycling and the use of passenger transport.

The relevant Local Plan policy AH2 related to housing development by way of infilling and redevelopment, expects development to be designed so that its appearance, character and scale create a pleasant place to live, is in keeping with and enhances the existing local environment with particular attention to the architectural form, height, materials, density and layout; respect for the natural features of the site, including trees; no unneighbourly effect on existing dwellings by loss of privacy, light, outlook or open amenity space; adequate access and parking arrangements (as required by AT12) and accordance with adopted standards, in this case DC standard No. 2 'Space Around New Dwellings and Flats.'

Government policy guidance in PPS3 encourages best use of urban land for housing development, particularly affordable housing, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient use of land without compromising the quality of the environment.

PPS3 also gives advice in relation to affordable housing stating that Local Planning Authorities should, amongst other things, 'set out the range of circumstances in which affordable housing will be required.' 'The national indicative minimum site size threshold is 15 dwellings. However, Local Planning Authorities can set lower minimum thresholds, were viable and practicable.'

Policy AH3 of the Local Plan states that, 'The District Planning Authority will seek to negotiate the provision of a proportion of social housing and /or low cost housing on all other sites coming forward during the Local Plan period, subject to site and market conditions, the type of development proposed, the character of the area and other important constraints. In all cases, planning permission will normally be subject to a legal agreement to this affect.

The Adur District Council Interim Supplementary Planning Guidance for Affordable Housing published in September 2004 is linked to Policy AH3 and states that 'an appropriate proportion, of the order of 30% of social and/or low cost housing on all suitable sites should be sought.

Policy H2 of the Adur Development Plan Submission Core Strategy states that a minimum of 35% affordable housing should be sought from developments of 10 dwellings or more, unless it can be demonstrated that the exceptional circumstances of the site make it unviable to do so. This derives from the Adur Housing Needs Survey.

Policy ENV3 of the Core Strategy relates to flood risk and states that the principles set out in PPS25 will be followed in assessing development proposals. Policy AP3 of the Local Plan states that new development in flood

risk area should be appropriately designed which may include the location of habitable rooms above flood risk level.

Policy AG3 of the Local Plan states that major development will not normally be permitted unless the infrastructure directly required to service it can be made available at the appropriate time. Policy CI2 of the Core Strategy also endorses this point stating that, ' any development must include arrangements for the improvement or provision of infrastructure made necessary by the development.'

Shoreham Renaissance

Shoreham Town Centre is identified as a key location for regeneration and, in 2006, the document 'A Strategy for Shoreham Renaissance' was published with the aim to "regenerate Shoreham town centre as a sustainable community possessing economic, social and environmental diversity". This is contained in policy STC3 of the Adur Development Plan Submitted Core Strategy which sets out a number of requirements including unlocking key sites for development; promoting the highest standards of design, with new development expected to respect the Conservation Area and all listed buildings; securing new homes (including affordable homes), employment, leisure and cultural facilities as part of new mixed developments; promoting schemes which protect and improve access to the riverfront; schemes to improve pedestrian and cycle routes, etc.

In the Renaissance strategy, the site is identified with the adjacent larger Riverbank business area as 'Ropetackle North' for redevelopment for more intense high quality employment accommodation, with potential for new commercial or residential development fronting Old Shoreham Road. An agent acting for various owners of different parts of the Riverbank business area is currently inviting expressions of interest from developers for the redevelopment of that area. It would be desirable for the present application site to be developed to a comprehensive plan with the larger area, to obtain the optimum layout. However, because there is no adopted planning policy or development brief, it is not considered that the present application could reasonably be refused for this reason. As the remaining site has a road frontage, and is separated by the former railway embankment, it appears unlikely that the present proposal would be prejudicial (subject to advice from WSCC on visibility splays, etc).

Access and Parking

The site is in a sustainable location due to its close proximity to the town centre facilities and due to it being located on and close to frequent bus services, as well as a reasonable distance from the railway station. Parking is provided on site for each dwelling in the form of a double garage/carport for cycle and car parking for each house and a single garage/carport for each flat. This provision is considered to be acceptable, although WSCC have raised an

issue with regard to the amount of hardstanding on site which they feel may be an overprovision, attracting more cars.

The use of the proposed single access is also considered to be acceptable provided sufficient site lines and visibility splays can be demonstrated. However, as stated above, WSCC require further information from the applicant for further consultation in relation to the above issues and other matters. The applicant's agent has sought to address these issues and has submitted information on which the further comments of the Highways Authority are awaited. Any comments received will be reported verbally at the committee meeting and may result in additional reason(s) for refusal.

Residential Amenity

Consideration must be given to the residential amenities of the occupiers of the surrounding properties and also the future occupiers of the proposed development.

The proposed 16 houses are all provided with private amenity space which ranges in size. Many of the garden areas do not meet the 65 square metres minimum standard set out in the Council's DC Standard No.2 but in some cases this standard is exceeded. There is no amenity space provided for the flats (the minimum standard being 20sqm per flat). Taking account of PPS3 advice about not applying standards too rigidly, in order to achieve higher densities, it is not considered that refusal is warranted on this ground as it would be a matter of choice for the purchasers taking account of their personal needs for external garden space. The layout of the dwellings within the site allows adequate space around the buildings.

Within the site itself there are some issues of overlooking between properties such as within the 'courtyard' area to the north west where proposed houses on plots 13 and 14 and 15 face each other at a distance of only 7.5 metres at their closest. However, it is again considered that this mutual overlooking within a new development is more of a consideration for a buyer or tenant when considering whether to occupy the properties.

There was some concern over the aspect and outlook of townhouses 3 and 13 which have habitable rooms facing onto the disused railway bank to the rear of the site. However, drawings have now been provided by the applicant's agent to address this issue. Due to the three-storey height of the proposed buildings and the fact that no habitable rooms are at ground-floor level and the ground level of this part of the site, the outlook from the houses to the south west is considered acceptable in this case. Having said this, the garden areas would receive limited light, and some trees are proposed to be removed from the bank to improve this situation. On balance, it is considered that the quality of the garden area proposed as above will be a consideration for any future occupier of the property.

Townhouses 10 and 11 would have rear gardens 10 metres long with the side elevation of townhouse 12 on the rear boundary. The original submission

showed the side elevation of townhouse 12 as a blank elevation. This has been addressed in the amended drawings which show the ridge height of the building slightly lowered and the addition of detailing to the elevation to enhance the outlook with white rendering and false windows. The distance of only 10 metres still remains, as compared to the DC Standard which states this should be 14 metres, but is considered acceptable.

With regard to the impact on the amenities of existing dwellings, the main properties to be directly affected by the development are No. 65 Old Shoreham Road, the end-of-terrace property to the immediate north of the site, and the first-floor accommodation at the public house opposite the site. The intensification of the use of the site with regard to traffic and increased activity resulting from the development would have some effect on those who live within the vicinity of the site but not to an unacceptable degree and it is considered, in any case, that it is outweighed by the visual improvement to the site.

No. 65 Old Shoreham Road is a minimum distance of 1.5 metres from the north west boundary of the site. On the other side of the boundary the proposed building containing the two flats is at a minimum distance on 1 metre. The nearest part of the proposed building is inline with No. 65 and therefore there will be no adverse impact on the dwelling house in this case. However, townhouses 16, 15 and 14 are adjacent to the boundary to the rear of No. 65. The minimum distance is 5.5 metres from the boundary of No. 65 and this is at a distance of approximately 14 metres from the rear of the neighbouring property. The amended plans show townhouse 15 moved in from the boundary by 1.5 metres and adjustments to the bulk and roof heights of the buildings to reduce the impact on the neighbouring property further. On balance, it is considered that the distance of the proposed buildings from the boundary and the rear of the neighbouring property would be acceptable in this case and although there would be an impact on this property it is not considered that this impact would be such to warrant a refusal in this case.

To the front of the site, townhouse 1 is side on to the site frontage and is directly opposite the Swiss Cottage public house at a distance of 14 metres. The DC Standard for back to back distance between principal facing windows is 22 metres but in this case the properties are not back to back and there is a road separating the properties. It is not considered that this relationship is such to warrant refusal; the amended plans show the building moved in from the boundary of the site by 1 metre and the height and scale of the roof has been slightly reduced (as stated previously).

Visual amenity, streetscene and character

The proposed designs are of traditional townhouse style with three storeys and pitched roofs. The buildings are considered to be in keeping with the character and appearance of the surrounding area and would enhance the appearance of the site. The materials proposed are traditional brick and tile with white rendering and weatherboarding to create variation to the elevations.

A main block of 8 town houses is proposed in the central part of the site which will be visible from directly in front of the site when viewing from the Old Shoreham Road, this block is set back from the front of the site by 10 metres. It is therefore not considered to be prominent within the street scene.

Two buildings are proposed at the site frontage to the north and south of the site, these buildings will be prominent when viewed from the highway when approaching the site from either direction. The amended drawings submitted have attempted to reduce the bulk and prominence of these buildings by making changes to roof lines and reducing ridge heights. Townhouses 1 and 2 to the south of the site have been moved into the site and are now 2.3m from the site frontage and townhouse 2 has been 'stepped in' to reduce the prominence of the building further.

The building forming the two flats on the northern frontage has also been reduced in height, with the roof line changed and the building partially 'stepped in' to reduce its impact on the street scene.

5 townhouses are positioned in a 'courtyard' style in the north west corner of the site. There properties will be mainly screened from the road by the buildings to the front of the site.

In the light of the amendments that have been made, it is considered that the proposed building layout, design, scale and appearance will be acceptable in this case and will improve the appearance of the site and the surrounding locality therefore complying with policies, including AH2 of the Adur District Local Plan and DEV1 of the Structure Plan.

Flood Risk

As stated above the Environment Agency objected to the original proposal due to flood risk issues. The site lies within Flood Zone 3a (high probability of flooding) as the application is for residential development, which is regarded as more vulnerable PPS25 requires the Exception test to be undertaken. It is essential that a clear emergency contingency plan is formulated and submitted as part of the planning submission.

With further details submitted in the revised Flood Risk Assessment (FRA), re-consultation has taken place with the Environment Agency and they have withdrawn their objection on flood risk grounds.

Affordable Housing

No affordable housing is provided in this case, the applicant's agent has put forward a case to justify the reasons why it is not viable to provide affordable housing in this case. This is set out in full in the agent's letter dated 5th April 2007 and is summarised below:-

- The existing land value is high given that it benefits from an existing use for as a caravan site.
- The site is highly contaminated and remediation would be required which would be costly.
- The site is in a flood risk area and therefore mitigation measures must be implemented, such as no habitable accommodation at ground floor level.
- As a result of PPS25 sequential testing this site is required to come forward for development therefore providing new housing.
- Due to the location of the site, adjacent to the industrial area, the railway embankment, the busy road, and easements running through the site this housing will not achieve high sale prices.
- No third party/ development Agency assistance.
- The balance of costs and profit is based on 18 units sold at market value is 5 units were affordable then the development would be unviable.
- At pre-application stage (September 2006) advice was given that no affordable housing would be required.
- There is no increase in the number of dwellings as there is permission for 18 caravans as existing.
- The site would be left undeveloped as a result.

In response to the above, it is not considered that these reasons are sufficient to justify a lack of any provision for affordable housing, although they may be some justification to reduce the level below 35%. Moreover, without details of calculations and figures to provide viability evidence which can then be independently assessed, there is insufficient reason to make an exception.

The proposal therefore is contrary to policy AH3 of the Adur District Local Plan, the Council's 'Interim Supplementary Planning Guidance for Affordable Housing', policy H2 of the Submission Core Strategy and the requirements as set out in paragraph 29 of PPS3.

As regards the case put forward by the applicant's agent in relation to the existing use of the site for a maximum of 18 caravans, only two caravans are on the site as existing and the site has remained at this low intensity use for some time. Therefore the proposal could be considered as a redevelopment of a vacant site and as such would therefore require an element of affordable housing. The planning application is for a residential development for 18 units, therefore exceeding the minimum site size threshold of 15 dwellings as set out in PPS3. The policies do not refer to any allowance being made for existing dwellings removed/demolished.

In addition, caravans/mobile homes provide a low cost form of housing which, although not within the latest definition of affordable housing, provide accommodation that could be available for those who are unable to compete in the open market for houses (although the flood risk location renders it unsuitable for vulnerable forms of development such as mobile homes).

It is acknowledged that the applicant was advised last September, at pre-application stage, that no affordable housing would be required in this case as the proposal was for less than 25 dwellings and therefore fell outside the requirements as contained in the Council's Interim Supplementary Guidance for Affordable Housing adopted in 2004 (based on PPG3). However, this advice was given before PPG3 was superseded by PPS3 which was published in December 2006. PPS3 is a material consideration when making decisions on planning applications after 1st April 2007. Therefore, it is a material consideration which in this case should be given considerable weight, especially due to the age of the existing Adur District Local Plan.

Further information would be required to fully justify why a reduction in affordable housing provision should be considered which would be contrary to planning policy and guidance as set out above.

Infrastructure

As required by Policy AG3 of the Adur District Local Plan and Policy CI2 of the Core Strategy, new and improved infrastructure will be required in time to service new development. In this case contributions are required in relation to sustainable transport infrastructure, schools and library services.

Recommendation

Subject to consideration of the reply awaited from WSCC Transport Planning Services (which may entail an additional ground of refusal), REFUSE on grounds that:-

1. The proposals are contrary to policy AH3 of the Adur District Local Plan, H2 of the Adur Development Plan Submission Core Strategy and Planning Policy Statement PPS3 in that there is no provision for a proportion of the development to be 'affordable housing' and there is insufficient evidence to make an exception.
2. There is no evidence that the necessary contributions would be made to improvements to sustainable transport, schools and library service infrastructure to offset the effects of the travel and infrastructure demands generated by the proposed dwellings, as required by the West Sussex Transport Contributions Methodology and policies DEV3-5 of the West Sussex Structure Plan, AG3 of the Adur District Local Plan and T3 and CI2 of the Adur Development Plan Submission Core Strategy.

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