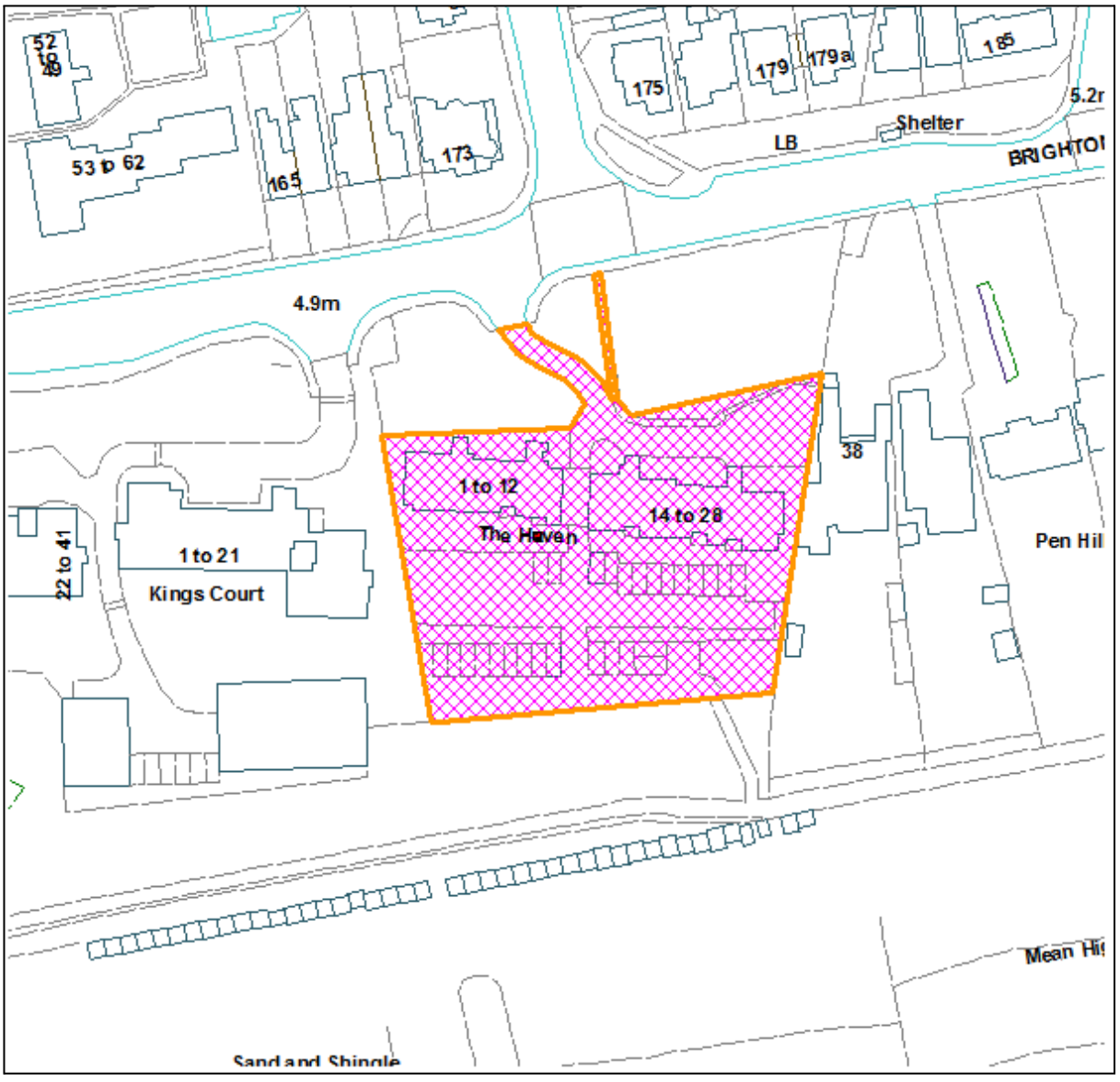
Application Number:	**AWDM/0202/24**	**Recommendation - APPROVE**
Site:	**The Haven, Brighton Road, Lancing**	
Proposal:	**Part 1-storey, part 2-storey rooftop extension to develop 9no. residential units; and associated works**	
Applicant:	Chalice Properties Ltd	Ward: Widewater
Agent:	Washbourne Consulting Ltd	
Case Officer:	Peter Barnett	



Not to Scale

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Proposal, Site and Surroundings

The application relates to The Haven, a distinct building on the south side of Brighton Road. The existing building is three storeys high which steps down from east to west across its 69m wide frontage. It varies in height from 8.6m to 10m. It is flat roofed and has an art deco style with white painted render. It contains 27 flats with four stair cores and no lift. It is not parallel to the road and the west end of the building is closer (28m) to the road than the eastern end (48m).

There is some parking (9 spaces) at the front of the building but the main parking area is at the rear where there are 26 garages plus 14 surface parking spaces.

It is proposed to extend the building upwards by constructing two additional floors to provide 9no. new units (7 x 2 bed and 2 x 3 bed). The building will be extended with a matching white rendered floor immediately on top of the existing building with a new set back top floor clad in zinc.



The proposal also includes an extension at the front (north) of the building to provide a lift core and extensions at ground floor to provide refuse storage. Cycle stores for 18 bicycles are proposed plus the provision of 11 additional car parking spaces (resulting in a total of 60 spaces). A landscaping scheme is included, with a green roof to the building plus 93 PV panels. The existing building is to be insulated externally and re-rendered and painted, with improved fire safety.

To the west of the site is Kings Court, a 3-4 storey block of flats with the 4 storey Marlin Court beyond that. To the east the scale of buildings is smaller, with bungalows at 38 and 40 Brighton Road with larger homes beyond that. Opposite the site is a mix of bungalows and 2 storey houses. There is a lawned area in front of The Haven which has planning permission for the construction of a terrace of 7no. dwellings.

The application is supported by a Design and Access Statement, Planning Statement, Noise Impact Assessment, Overheating Report, Transport Statement, Statement of Community Involvement, Planning Fire Statement, Biodiversity Net Gain Assessment, daylight and Sunlight Assessment, Drainage Strategy, Energy and Sustainability Report and Verified Views.

Relevant Planning History

Numerous applications for minor fenestration changes at The Haven.

AWDM/0384/22 - Construction of 7no. 3 bed dwellings within a terrace of 2 storey buildings with accommodation in the roof space and 14no. parking spaces, 20no. cycle spaces and associated works including landscaping on land north of The Haven - approved

Consultations

West Sussex County Council: No objection from a transport/highways aspect, subject to a condition requiring cycle parking provision.
Comments that the development will continue to be accessed via the priority entrance off A259 Brighton Road with a separate access point for pedestrians. A259 Brighton Road is a two-way single carriageway road with a ghost right turn into the development. A259 Brighton Road near to site access is subject to 30 miles per hour speed restriction with good visibility splays along both sides of the road. An inspection of data supplied to WSCC by Sussex Police over a period of last five years reveals that there has been no incident immediately near to site access, which indicates the site access has been operating in a safe manner in its current form.
The proposal includes the provision of a total of 23 surface vehicle parking spaces and an additional 27 garage spaces, to the front and rear of the building. There seems to be sufficient informal parking space should there be a need by the future residents / visitors without the concern of overspill onto the surrounding highway network. The development is within short walking distances to local amenities / facilities, bus stops and Lancing train station. The sustainable location of the development is encouraging for future residents / visitors to travel sustainably without the need to rely on private car use. The development proposes to provide improved cycle parking provision.

The nationally recognised TRICS database has been interrogated which estimates the proposed residential development could generate vehicular trips of 3 in the AM and 2 in the PM peak hours.
The Highway Authority does not consider these trips could cause a material impact on the operation of the local highway network.
The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

Adur & Worthing Councils: **Public Health**: Recommend conditions relating to working hours, the provision of a Construction Management Plan and compliance

with the mitigation measures contained within the Noise report submitted with the application.

Private Sector Housing: No objections

Drainage: No objection subject to conditions

Southern Water: Developer is currently in consultation with regards to the proposed water main diversion which should be agreed before work commences.Request condition to seek details of foul sewerage and surface water disposal.

UK Power Networks: Please note there are cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained and all works should be undertaken with due regard to Health & Safety Guidance

Brighton City Airport: No aerodrome safeguarding objection. Request submission of a bird hazard management plan and a glint and glare assessment for PV panels, to be reserved by conditions.

Lancing Parish Council: It was resolved to object on the grounds of overdevelopment, echoing concerns of the residents. This is an Iconic building that will be ruined. PC requests that the application is determined by the Planning Committee.

Representations

Comments on original plans:

26 objections received from the occupiers of 2, 4, 7, 10, 12, 14, 15, 18, 19, 21, 22, 24, 27, 28 The Haven, 6 Kings Court, 167, 169, 185 Brighton Road, 10 Seaside Avenue, 44 Hamilton Road, 24 Widewater Court, Kings Crescent (Shoreham) on behalf of Flat 16 and on behalf of owners of land to north of The Haven:

- Insufficient parking provision will lead to parking on nearby roads
- Increased traffic
- Extra cars and activity close to ground floor flats causing noise and light pollution
- Existing garages cannot be used for parking due to their size
- Transport assessment incorrectly states number of parking spaces
- There are no designated parking spaces for residents at the moment
- Introducing new flats without expanding parking capacity is unacceptable
- Access road is not wide enough for 2-way traffic - difficult for large vehicles to turn on site
- Loss of trees (12 holm oaks) and hedges to provide parking
- Existing garden in SE corner of site will be reduced in size - loss of amenity
- Harmful impact on wildlife
- Drainage and sewage infrastructure concerns
- Where will new pumping station be sited?
- New lift shaft will affect light and will be noisy

- New bin stores will reduce light to ground floor flats
- Noisy and disruptive work will impact on residents' amenity, wellbeing and ability to work from home
- Overdevelopment, particularly as there is permission for houses in front of The Haven as well
- Loss of privacy and increased overlooking
- Loss of light/sunlight for properties to north
- Proposal ignores the development proposed to the north
- New windows will directly overlook committed development to the north and separation distances should be significantly greater
- Unacceptable overlooking of bedroom and habitable room windows as well as external private amenity areas
- Overbearing impact
- Unacceptable reduction in daylight and sunlight - submitted report is silent on this impact
- Similar application in Penhill Road was refused and dismissed at appeal
- Report has been prepared by a chartered surveyor (commissioned by the residents of The Haven) which identifies crucial details that are absent from the application
- Is the existing building structurally capable of taking the weight of the additional build?
- Design fails to harmonise with the existing style of the building
- Misguided attempt at modernisation is an eyesore
- Wood cladding out of character
- New lift shaft fails the 45 degree rule for existing flats within The Haven
- Will result in loss of light to 7 flats
- Lack of imagination
- Grey steel will discolour and look cheap
- Poor use of solar panels
- Will dwarf neighbouring buildings
- Lack of drainage assessment
- Infrastructure cannot cope
- How sustainable is the extension given consistent high winds, rain and sun it will directly subjected to?
- Developer has a limited understanding of the building, the site and residents having only recently bought it
- Residents not given an opportunity to buy the freehold
- Little public consultation
- Will have negative impact on existing residents

6 letters of support received from the occupiers of 20 The Haven (x2), 23 The Haven, 6 Thatch Court The Street (Lancing), 69 Davigdor Road (Hove), 35 Sea Road (East Preston):

- Need for new housing in the area
- Well designed scheme
- Will improve overall look of the building
- Will add value to existing flats

Comments following receipt of additional information/response from applicant:

22 letters of objection received:

- Previous objections repeated
- West Sussex Highway comments about suitability of access were made without the benefit of a site visit
- There is not enough space to provide the required car parking without the destruction of more green space
- Parking layout will not work in reality
- Holm oaks are trees that have been reduced in height - they are not a hedge
- Sky light to habitable rooms in the proposed new homes to the north will be reduced below the BRE acceptable level.
- Greater separation distance needed for a higher building - some of the rooms in the building do not currently meet the minimum 28m separation distance
- All north facing windows should be obscure glazed in order to be consistent with approach taken with windows in proposed new homes to north
- Development contravenes biodiversity requirements and overstates benefits of green roof compared to existing habitats
- Biodiversity report contains significant misrepresentations about the extent of loss of habitat
- The proposed extension, with its additional height and bulk, deviates from the current architectural rhythm, which consists of predominantly low-rise buildings, being higher and more imposing.
- Out of character and scale
- Could set a precedent leading to cumulative adverse impact
- Refusal of upward extension in Worthing
- Overdevelopment
- Increased traffic congestion
- Adverse impact on neighbouring dwellings
- Fire safety concerns
- Not possible to fit the new double staircase within current footprint
- Contrary to planning policies
- Reduction in width of access path to western part of building

1 letter of support received:

- Minimal impact on wildlife and only small area of hedgerow removed
- No parking or highway concerns
- Not overdevelopment
- Beneficial in terms of housing provision
- Will improve existing building for benefit of residents

Relevant Planning Policies and Guidance

Adur Local Plan 2017 1, 2, 15, 18, 19, 20, 28, 30, 31, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'; No.2 'Extensions and Alterations to Dwellings'

Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (December 2023)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The Adur Local Plan was adopted on 14th December 2017. Policy 3 sets out the Housing supply over the period 2011-2032 and gives a total figure of 3718 (an annual target of 177 dwellings per annum).

Paragraph 76 of the NPPF 2023 states:
"Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:
a) their adopted plan is less than five years old; and
b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded".

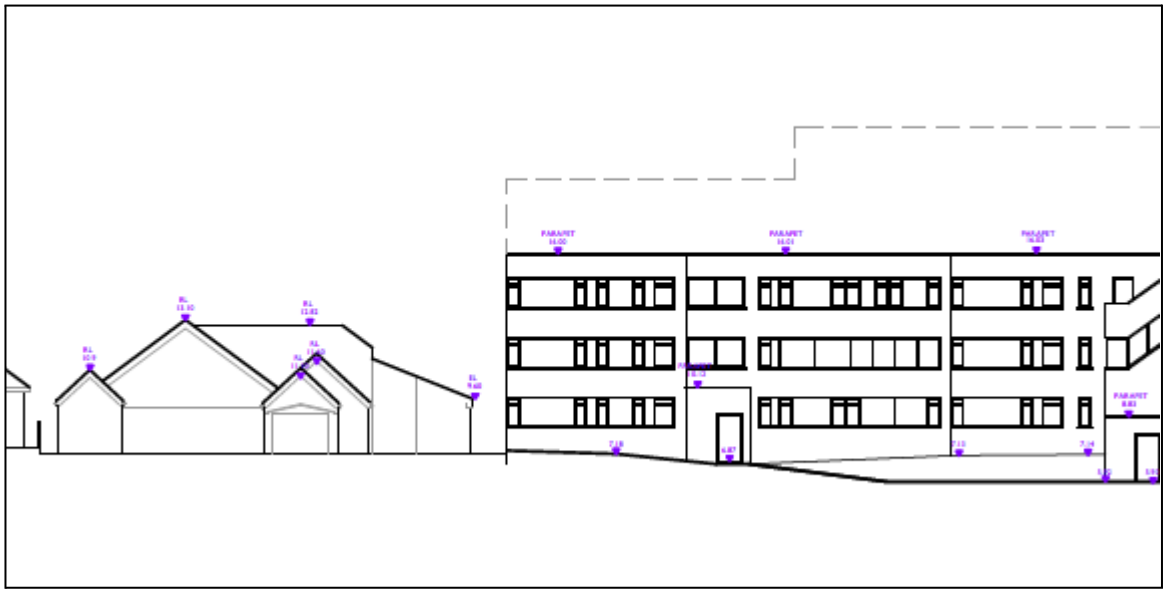
Paragraph 77 goes on to state:
"In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply (those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need). The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

The five year housing land supply position for the Adur Local Plan area, measured against the 2023 Standard Methodology figure for Adur of 448 dwellings per annum, and incorporating a 20% buffer as a result of the Housing Delivery Test 2022 measurement for Adur, demonstrates aries that permission should be granted unless one of two criteria are met. Criteria (ii) 3.5 year supply of deliverable land as at 1st April 2023. (The Housing Delivery Test 2022, published December 2023, indicates that Adur delivered 72% of its requirement, and so a 20% buffer has been applied). As such, the presumption in favour of sustainable development, set out in the National Planning Policy Framework, applies. This states that permission should be granted unless one one or both of two given criteria are met. Criterion (ii) states that 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. The impacts are assessed below.

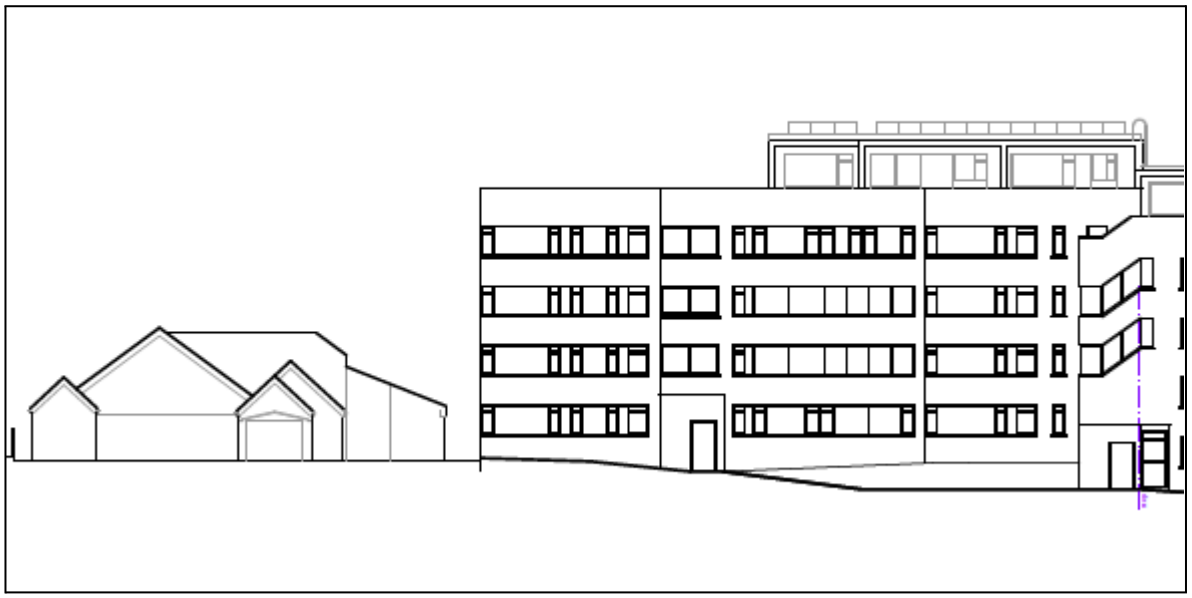
The proposal involves increasing the housing stock located within the built up area and can be supported in principle. The main issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the existing building and its surroundings.

Visual amenity, scale and character

The Haven, together with the flatted blocks at Kings Court and Marlin Court to the west, have a different character to the lower level houses and bungalows to the east. There is already an abrupt change in height between the bungalow at 38 Brighton Road, immediately on the boundary to the east of The Haven, and The Haven itself. The proposal would result in an additional floor across the entire building, raising its height by 3.7m to 12.2m at its eastern end. This compares with the adjoining bungalow's ridge height of 6.5m. A further floor is proposed but this is set back from the eastern edge of the building by 12.5m and by 7m from its western end.



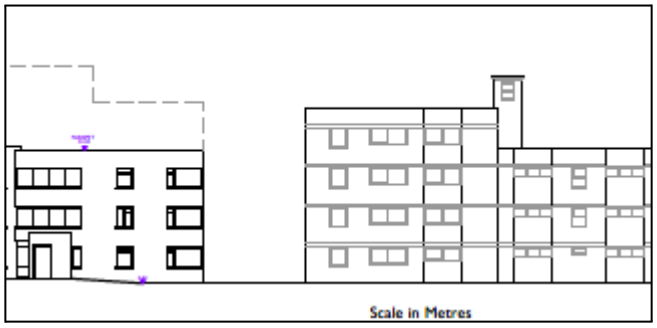
EXISTING



PROPOSED

While the contrast in height is marked at the eastern end, there is already a considerable height difference and the additional floor is not considered to have such a significant visual impact as to cause harm. The setting back of the 5th floor and the use of a contrasting external finish for that floor also helps to reduce its visual impact when seen from the east.

To the west, the larger flatted blocks currently appear taller than The Haven, with Kings Court being 4 storeys adjacent to The Haven.



The additional floor at that end is not considered to cause any visual harm for this reason. When viewed from Brighton Road, The Haven sits forward of the other blocks and is closer to the road at its western end than at the east. The additional floors will add to the building's height and bulk but it is considered that the design approach in this case is a successful one. Replicating the style of the building for the fourth floor, including a continuation of the stepped form, respects the distinctive character of this 'art deco style' building, with a partial top storey of differing form which helps to reduce the dominance of the additional height. The main bulk is in the centre of the building, away from the buildings on either side.



There is an extant planning permission for development in front of The Haven which, if built, would obscure some views of the building from Brighton Road. The potential change to the setting of the building in the future is considered to further justify a change to its scale and appearance.



From the seafront path, the contrast between The Haven and Kings Court can be seen clearly at the western end, and it is not considered that an increase in height at that end of the building will have a significant visual impact.



The increased height and bulk further east will be more marked but the considerable set back of the top floor will reduce the impact.



g 16.1 Photo of existing viewed from the south east ('before' for comparison with fig 16.2 below)



g 16.2 Eye level photomontage of proposed viewed from the south east ('after' for comparison with fig 16.1 above).

The external finish proposed for the 5th floor is stated as being zinc which can have a rather dark appearance. It is considered that a lighter finish would be better, such as pale grey rainscreen cladding. This can be finalised at the conditions stage.

As originally submitted, the extension to the stair core at the front of the building resulted in a bulky addition which projected from the facade of the building by 4.2m over four floors, in marked contrast to the existing ground floor lobby and bin store projections which are unobtrusive. The applicants have subsequently amended this element to reduce its depth by 2.2m and its width by 0.63m. While it will still introduce a projecting vertical element at the front, it will not be as deep or obtrusive as originally shown. Its impact on the character of the building is considered to be acceptable.

It is acknowledged that the proposal will have a visual impact and is a significant change. However, for the reasons stated above, it is not considered that the addition of two floors in the manner proposed would cause unacceptable visual harm to the character of the building or its surroundings.



NB This image shows the original lift core projection, which has since been reduced

Residential amenity - for proposed dwellings

The proposal is for a mix of 2 and 3 bed flats all of which meet or exceed the Nationally Prescribed Space Standards. All the new flats will have access to external terraces. A new lift will be included which will benefit existing residents as well as the building does not currently contain a lift.

A Noise Impact Assessment Report has been submitted which assesses the impact of traffic noise from Brighton Road on future occupiers. The detailed design of the proposals will also minimise the noise impact from the new flats on the existing top floor flats. A separate assessment has been submitted which has concluded that the new flats will be suitably ventilated via opening windows to prevent overheating. The Council's Environmental Health Officer has no objection to the proposals subject to appropriate conditions.

A Fire Statement has been submitted to confirm that the building will comply with the requirements of the Building Safety Act 2022 in respect of fire safety. The new stair layout has been confirmed by the applicants as being practical and implementable and it will enable an extra fire lobby to be fitted to protect the existing flats. This will be subject to separate Building Regulations approval at a later date.

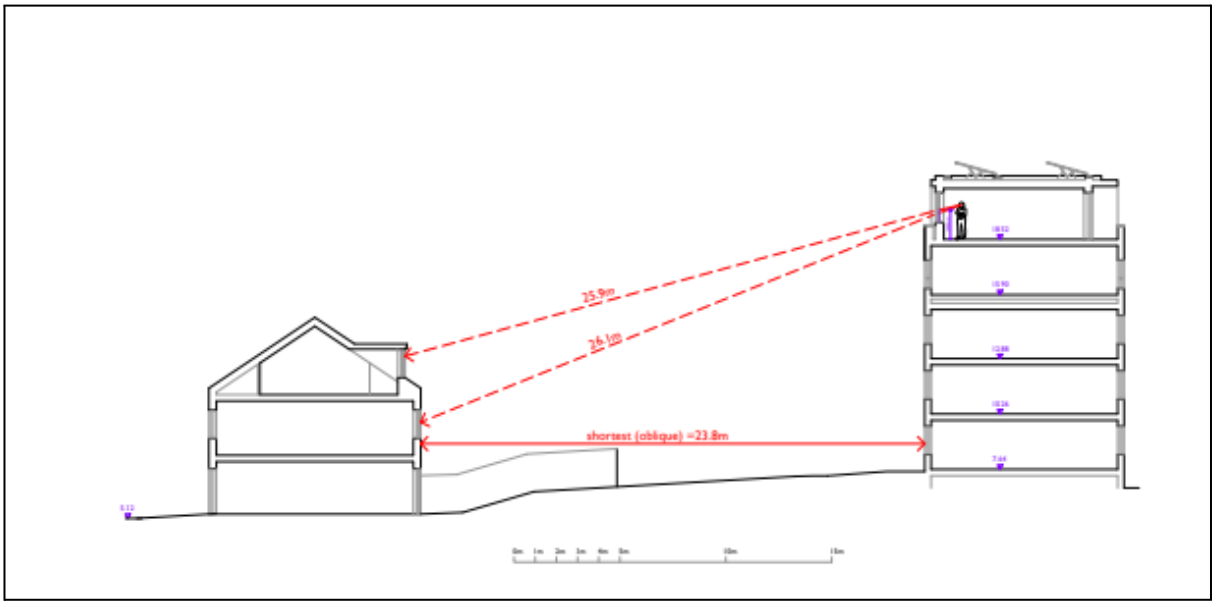
Residential amenity - effect on existing and future dwellings

The addition of a fourth floor in a matching style across the full span of the building will increase the contrast in height difference between The Haven and the bungalow to the east (38 Brighton Road), as discussed above. This has the potential to be dominant and overbearing to the occupiers of the bungalow, but it is noted that there are no openings on the west side of the bungalow immediately adjacent to The Haven.

A daylight and sunlight analysis was submitted with the application which initially assessed the impact on 38 Brighton Road and Flats 1-21 Kings Court, with a subsequent assessment carried out on the proposed new houses to the north and on existing flats within The Haven itself. It has found that any impact would be within acceptable daylight limits set out with BRE guidelines. There is a bedroom window on the west side of 38 Brighton Road which faces across the front of The Haven which would not pass all of the required sunlight tests. However, it is not a main habitable room, such a living or dining room, and less weight should be given to such a reduction in this case. There was no harmful impact on light to the adjoining flats at Kings Court.

In terms of the proposed houses to the north, the analysis has found that most of the rooms in the new houses would receive sufficient daylight with the exception of a bedroom in two of the houses. As with 38 Brighton Road, the impact on bedrooms carries less weight than that on living rooms. With regard to the impact of the lift core extension on the existing residents at The Haven, the results of the analysis found that the impact would not be harmful. Subsequent to that report being submitted, the size of the extension has since been reduced, as reported above, further improving the impact on light and outlook for existing residents.

The new floors will result in additional windows. There are no concerns with regard to overlooking of the neighbouring properties to the east and west. The proposed houses to the north may experience additional overlooking but it should be noted that the existing building already has numerous windows facing north. The distance between the proposed houses and The Haven is between 25m and 32m, so not all windows comply with the 28m minimum distance, as required by the Council's DM Standard. It states that "*where a one or two-storey building backs onto a three-storey building a space of 28m would be required. Higher buildings would need to be considered on their merits*." However, the new floors will have windows at a higher level which are likely to have a more oblique sight line than those lower down and it is not considered that a valid objection on grounds of overlooking can be sustained in the context of the existing situation.



Balconies and roof terraces are proposed on the south side of the building. On the 4th floor the balconies at each end of the building are to be inset and should not result in overlooking. An obscure glazed panel is proposed in the SW corner flat to prevent overlooking. The terraces on the top floor are sufficiently set in from the sides of the building so as not to cause a loss of privacy for neighbours.

Accessibility and parking

11 new car parking spaces are to be provided resulting in 60 surface and garage spaces overall. Some residents have questioned whether the existing garages should be included in the parking calculation due to their size. They measure 2.8m x 6m which only just falls short of the West Sussex recommended size of 3m x 6m. WSCC Highways have confirmed that, in light of there being only a slight difference, the garages do count as a parking space. They have also advised that they have no concerns about the width of the access road or the access itself onto Brighton Road. As such, they have not raised an objection to the application on the grounds of highway safety or parking capacity.

The new parking spaces are to be formed by removing areas of hedging and heavily pruned trees to the south of the building. This has an impact on biodiversity on the site and this matter is discussed in more detail in the next section.

An area of lawn to the south was also proposed to be removed to accommodate additional parking spaces but, in light of objections from existing residents, this has been amended to retain the lawned area. The parking has been rearranged at the front of the site instead with 13 spaces now being provided at the front.

The reduction in the size of the lift core extension (Core 2) means that the width of the path at the front of the site leading to Core 1 is less affected as the proposed core will only extend further than the existing bin store at the front of Core 2 by 425mm.



Ecology, biodiversity net gain and landscaping

The application was received before the requirement for Biodiversity Net Gain (BNG) assessments came into force for non major planning applications on 2nd April. Nevertheless, A BNG assessment has been submitted with the application. The loss of the hedgerow and grassed area is to be compensated for through the provision of a green roof, new shrubbery planting to the south and new hedging to replace that to be lost. In addition, bird boxes and log piles are to be provided for birds and invertebrates.

Objections have been received alleging that the BNG assessment overstates the benefits of the green roof compared to existing habitats and that it contains significant misrepresentations about the extent of loss of habitat. The applicant's ecologist has responded to confirm that the assessment was carried out using the accepted metric. The proposed biodiverse green roof is classed as a medium distinctiveness habitat compared with the grassland being lost which is low distinctiveness. It has since been confirmed that less grassland is to be lost as a result of an amendment to the parking layout proposals.

The Council's Tree and Landscape Officer has confirmed that, while the hedge is partly formed of Holm Oak, these cannot be considered as trees. While its loss is regrettable there have been improvements to the scheme with the retention of the lawned area to the south and is partly compensated for with replacement hedgerow planting elsewhere on the site. Final details of landscaping are to be reserved by condition.

Flood risk and drainage

The surface water drainage strategy demonstrates that the proposed drainage system will result in a decrease in both peak discharge rate and discharge volumes from the site. resulting in a positive impact on surface water flooding offsite, reducing the water flood risk to surrounding properties, with the proposed green roof helping in this regard.

The Council's drainage consultant has no objection subject to conditions.

It is also proposed to replace the existing septic tank and to upgrade to the existing mains drainage/sewage system on site, with an overhaul of the existing drainage above and below ground. Further details of this can be secured by conditions, in consultation with Southern Water.

Energy and Sustainability

An Energy and Sustainability Report has been submitted which explains that the extension has been designed to achieve low carbon emissions through the adoption of good fabric performance. The development will have well-insulated walls and roof, as well as double-glazed windows. Two options are under consideration for the provision of heating and domestic hot water, a high efficiency gas boiler, along with Low or Zero Carbon Technology (LZCT) such as photovoltaic panels (PV), waste water heat recovery to showers (WWHR), and flue gas heat recovery (FGHR) or the use of air source heat pump (ASHP).

Further details will be required of either of these options which can be secured by condition.

Airport safeguarding

Brighton City Airport has been consulted on the proposals and has no objection to the increased height in terms of aerodrome safeguarding, subject to the submission of a bird hazard management plan for the green roof and a glint and glare assessment for PV panels, both of which can be secured by conditions.

Conclusion

This is a balanced case where there is some sympathy with the objections from local residents as the additional floors on this building represent a significant change. However, for the reasons stated above, it is not considered that the addition of two floors in the manner proposed would cause such harm to the character of the building or its surroundings to warrant refusal.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans
2. Time limit
3. Materials to be submitted and approved
4. CMP
5. Hours of construction
6. Surface water drainage disposal details to be agreed
7. Surface water maintenance and management to be agreed
8. Foul sewage disposal details to be submitted and agreed
9. Car and cycle parking to be provided as shown on plans
10. To incorporate noise mitigation measures as recommended in the noise impact assessment
11. Landscaping details to be agreed
12. Final details of sustainability measures to be agreed
13. Green roof to be biodiverse green roof in accordance with final details to be agreed
14. Ecological enhancement measures to be submitted and agreed
15. Submission of bird hazard management plan for green roof
16. Submission of glint and glare assessment of solar panels to be agreed prior to installation