Application Number: ADC/0315/08 **Recommendation – REFUSE**

Site: **Land to west of 'Penncroft', Elm Grove Lancing BN15 8PD**

Proposal: **6 one-bedroom flats with 6 car parking spaces, cycle store and bin store (amended design of ADC/0154/06)**

The Application

The proposal is an amended scheme for 6 one-bedroom flats instead of the previously permitted 5 bedsittingroom flats and 1 one-bedroom flats (ADC/0154/06).

The site is a triangular-shaped piece of unused land (of unknown ownership) situated on the north side of the road between 'Courtfields' to the west and 'Penncroft' to the east. It backs onto the Co-op supermarket car park which has a line of tall leylandii conifers along the boundary which overhang the application site by up to about 4m. The site frontage length is 47m and it has a depth ranging from 2.5m at the western extremity (where there is footpath access to the Co-op car park) to 22m along the eastern side boundary with the neighbouring two-storey block of 4 flats at 'Penncroft'. On the opposite side of the road (south) is a wall enclosing the rear gardens of the terrace of houses No's 17-22 The Tynings.

As before, the proposal is to erect a two-storey building to accommodate 6 flats on the eastern part of the site with 6 parking spaces on the narrower part to the west. However, to accommodate all the flats as one-bedroom flats (instead of mainly bedsittingroom units), the footprint of the building is increased. Its width is marginally reduced from 17.9m to 17.6m wide but its depth is increased to part 7.9m deep/ part 10.6m deep whereas previously it was approved as part 6.1m deep/ part 7.5m deep/ part 9.7m deep. Previously it was hip-roofed throughout but it would now have hipped sides and front and rear gables.

Externally, as before, there would be a cycle store in the north-east corner and a bin store adjoining the east boundary, level with the front of the building.

Consultations and Representations

West Sussex County Council: No objection, as the layout conforms to revisions previously required, subject to conditions and a fresh section 106 Obligation requiring a contribution of £5,280 (instead of £4,225) to sustainable transport improvements in the area.

Environment Agency: No objection subject to conditions requiring drainage details and investigation/remediation of any contaminated material found on the site.

Adur District Council: The EHO has no objection. Waste Services have no objection but point out that the bin store needs enlarging to accommodate a 660 litre recycling bin.

Lancing Parish Council: Considers it to be overdevelopment of a site which could be better suited to an alternative design that is less bland and uninteresting.

Third Parties: 8 letters have been received from Flats 1, 2, 3 & 4 Penncroft (which adjoin to the east) and the houses on the opposite side of the road at No's 17, 18 & 20 The Tynings and 3 Fairlands.

The residents of flats 1-4 Penncroft object on grounds of:-

- Overdevelopment, cramming the maximum number of units onto the site with virtually no garden or free space, which is out of character with the area;
- increased reduction of light (especially to their kitchens), making their flats gloomy and depressive, caused by the increased size and height of the building;
- smell and noise nuisance resulting from the location of the bin store to the boundary wall (outside the kitchen window of flat 1);
- more traffic and parking on a blind corner and dangerous stretch of road;
- increased risk of loss of conifer trees owing to the increased proximity of the building and habitat loss;
- destruction of a peaceful and fairly attractive location;
- increased strain on infrastructure including congested roads;
- possible use as social housing would be out of character and could cause nuisance (NB. not a valid planning consideration);
- loss of value (NB. not of itself a planning consideration)

The residents of 17,18 & 20 The Tynings object on grounds of:--

- overlooking of the rear windows (including bedrooms and bathrooms) and rear gardens of their houses;
- the possibility that the existing conifer trees would be removed or be damaged and die thereby resulting in their houses being exposed to noise, dust and fumes from the railway line;
- noise and dust during construction;
- highway danger because the site is on a bend where there have been several accidents and the proposal would cause extra traffic.

The resident of 3 Fairlands states that parking is a nightmare in Elm Grove for residents and their visitors and the proposed development needs to be amended to provide more than one car space per flat.

[NB. the residents of Flats 2 & 3 Penncroft and 17 The Tynings ***have requested to speak at the committee meeting]***

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005) (saved policies): LOC1, CH1, NE1, ERA1, DEV1, DEV4-5
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB25, AH2, AH5 and Supplementary Planning Guidance comprising Development Control Standard No.2 "Space Around New Dwellings and Flats"
Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003 & ADC 2004)
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (ODPM 2005)
PPS23 'Planning and Pollution Control' (ODPM 2004)

Planning Assessment

The principle of the development of the site is established by the existing permission and therefore only the differences between the approved scheme and the present proposal fall to be considered.

Policies

The site is not identified as a public open space in the Local Plan. When the previous application was submitted, it was concluded that the site does not have any real amenity value and that, in the context of current Government policies, there was no sustainable objection to the principle of developing it for residential purposes. It constitutes 'infilling' within the built-up area as provided for in Structure and Local Plan policies.

Structure Plan policies give significant weight to making the best use of land through higher density development provided that the impact on the character of the area and environment is acceptable (LOC1, ERA1, CH1) and subject to policy DEV1 requiring high density development. 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 the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative". The explanatory text refers to a transport contributions methodology (now adopted as TAD payments to sustainable transport improvements).

Local Plan policy AH2 relates to new residential development (by way of infilling and redevelopment) and states that new dwellings should be designed so that their appearance, character and scale create a pleasant place in which to live and are in keeping with and enhance the existing local environment with particular attention being paid to architectural form, height, materials, density, layout of buildings and hardsurfaced areas; they do not have an unneighbourly effect due to loss of privacy; daylight/sunlight; outlook or open space, incorporating adequate standards of residential amenity for the new dwellings in terms of amenity space, daylight, outlook and privacy; access and parking provision meets the adopted standards; and they accord with the Council's DC Standard No.2 'Space Around New Dwellings and Flats'.

Dwelling type and size

The Structure and Local Plans encourage the provision of smaller units. AH5 states there is a presumption in favour of the supply of dwellings for small households (single persons, small families and the elderly).

The bedsittingroom flats previously approved were shown with internal floor areas of 31sqm-34sqm. There are no standards for newbuild flats but these areas are slightly more than the minimum standard of 30sqm contained in Council's DC Standard No.4 'Flat Conversions'.
The present proposals would provide all the flats with separate bedrooms and increase their internal floor areas to 39sqm-45sqm. This compares to the Council's minimum standard of 45sqm for a one-bedroom flat in the above DC Standard No.4 for flat conversions. Although 2 flats fall short of this standard, the individual room sizes are

adequate with only the bedrooms (at 10sqm) not meeting the 11sqm required for a double bedroom.

Visual amenity

The main concern previously identified with the proposed development results from the limited depth of the site and its triangular shape. This necessitated the building, although being set back level with Penncroft to the east, angling westwards closer to the road, being only 1.8m from the rear edge of footway at its closest points (front porches and western corner). Nevertheless, on balance, it was not considered that this would be visually detrimental to the streetscene. The flats at Courtfields to the west are even closer, having their side walls abutting the edge of the roadside footway, and some sense of enclosure along the road frontage of the application site could be seen as an improvement.

The present proposal reduces the set back from the road at the front western corner (and porch) to only 1.6m, although at its eastern front corner it is set back 5.6m (about 0.5m further than Penncroft). The previous set back was considered to be the bare minimum and it is considered that bringing the building further forward at its western corner, albeit only slightly, is visually unacceptable. Moreover, the more imposing appearance of the building with a front gable would make it more dominant in the streetscene and increase the overdeveloped appearance.

Visually, the site is currently dominated by the tall c.leylandii hedge along the rear boundary (growing within the Co-operative site) which has grown extremely rapidly over the last 25 years. Policy AB25 states that planning permission for development adversely affecting existing trees will only be granted if they are of poor health or of poor appearance and little public amenity value, otherwise sufficient space should be left between the trees and the proposed development. In this case, the trees (other than at the western end where they can be retained), because they have lost greenery at their lower levels (up to about 4-5m), are no longer considered to provide an attractive screen of the car park to the rear (other than from the first-floor windows of the existing houses opposite) and are not considered to be of amenity value that would justify making them subject to a Tree Preservation Order (TPO).

The applicants would be entitled to cut off the overhanging branches (overhanging the site by up to about 4m) but reduction of height to half, as stated to be intended (on the plan), is outside the applicant's control and dependent on the agreement of the Co-operative as owners of the hedge. (NB. it could however potentially be required to be reduced in future were a 'high hedges' complaint to be made after the flats had been built and occupied and a remedial notice issued by the Council). The results of such works would create a poor appearance, exposing bare trunks and branches. It is considered that the hedge would be better removed and replaced by a hedge of shorter more appropriate species if the Co-op as owners were agreeable – however, this is outside planning control.

Residential amenity – for the proposed flats

The proposed total amount of amenity space for the residents of the proposed flats would now be approximately 130sqm as compared to 150sqm previously. This still exceeds the Council's minimum standard of 120sqm for 6 flats but the private space at the rear is reduced from 110sqm to 80sqm, with a typical depth of only about 3m as compared to about 5m before.

A very substantial disadvantage is that the space at the rear is currently overhung by the tall hedge comprised of leylandii trees. This amenity space, as well as the rear windows of the proposed flats, would be overshadowed by the proposed building and have poor levels of daylight because of the combination of northerly aspect and the trees. As previously approved, the building would have been generally about 5m from the rear boundary and 3.6m from it at its closest point (western rear corner). This would now be reduced to a typical distance of only about 3m-4m with a minimum at its closest point of only 2m. Moreover, previously all the flats were dual aspect and would have had their livingrooms, bedrooms and bedsittingrooms facing the front (south). However, in the present case, 2 of the flats would have an entirely rear-facing aspect with their lounge, kitchen and bedroom facing north towards the trees, with the lounge windows only 3.5m/4m from the rear boundary.

The rear windows of the flats would also be close to the Co-op car park with resultant risk of disturbance and reduced privacy. However, this could be dealt with by erecting a close-boarded fence (as stated on the submitted plan).

Residential amenity – effect on existing flats and houses

Residents of all 4 flats (as compared to 2 previously) at neighbouring 'Penncroft' to the east object to the present proposal on grounds of loss of daylight caused by the size and position of the proposed building, to the west of their flats. The flats at Penncroft are laid out with their kitchens having their only windows in the west side and there are also secondary lounge windows in the west side.

The proposed building is shown to be sited 0.25m further away from the east side boundary than previously approved and set back 1.4m further at the front. However it would protrude 1.8m further rearwards. It has a marginally higher ridge height of 7.4m (instead of 7.2m) and a depth of 7.9m instead of 7.5m.

It would be approximately 4.2m-4.7m away from the side windows of Penncroft, being 2.6m-2.8m from the common side boundary (as compared to the minimum standard of 1m). It is not considered, given that the main windows to the livingrooms and bedrooms of the flats at Penncroft are in the front and rear walls, that the degree of loss of daylight (or the loss of afternoon/evening sunlight) to these neighbouring flats would warrant refusal.

With regard to the terrace of 6 houses on the opposite side of the road (No's17-22 The Tynings), these back onto Elm Grove and their rear gardens are enclosed by a screen wall (about 17m away from the nearest front windows of the proposed flats). The rear windows of these houses would be 27m-29m away from the front windows of the proposed flats which is ample distance (22m being the Council's minimum standard between facing rear windows). Consequently, it is not considered that they would suffer unacceptable overlooking.

As stated by the objectors, if the dense row of tall leylandii trees along the rear boundary of the site are lowered (as intended) or removed, they would open up a view of the Co-op car park (with railway beyond) from the rear windows of the houses. However, it is not considered that this would result in unacceptable levels of noise or disturbance to the houses.

Access and parking

The site is very well-located in relation to public transport and town centre facilities, thus making it potentially suitable, in accordance with Government advice, for a reduced level of parking. However, the site is situated close to a bend in the road where forward visibility is restricted by a wall on the opposite side and, because on-street parking restrictions do not apply in the evening and night, there is concern about detriment to highway safety that would be caused if on-street parking were to arise as a result of the proposal. As a result, the advice of the local highway authority is that the proposal should be provided with 6 on-site parking spaces with adequate visibility of 2.4m by 70m in each direction (both of which are shown on the plan). The necessary cycle store is shown on the plan in the NE rear corner.
A section 106 contribution of £5,280 is required to sustainable transport improvements in the area to offset the effects of the travel demands generated by the proposed dwellings as required by the adopted West Sussex Transport Contributions Methodology and policies DEV4-5 of the West Sussex Structure Plan.

Other matters

Neighbouring resident objects to the proposed bin store being located adjacent to the boundary with Penncroft on grounds that it would generate unpleasant smells and noise disturbance. This is the same position as shown on the previously approved plans, the EHO's previous advice being that it was acceptable in this location. There is space to relocate the bin store, if necessary, to the west side of the proposed flats but it would be inconvenient for the residents to use being well away from the entrance doors.

Recommendation

REFUSE on the grounds that:-

1. The proposed building would be out of keeping with and detract from the character and appearance of Elm Grove being too large and imposing for the limited depth of the site and excessively close to the front and rear boundaries, contrary to the policies of the West Sussex Structure Plan (CH1, DEV1) and the Adur District Local Plan (AG1, AH2).
2. The proximity of the building to the rear boundary of the site, where there is currently a tall coniferous hedge on the neighbouring property, would result in a poor standard of amenity for the proposed north-facing flats by reason of inadequate outlook and daylighting, contrary to the policies of the West Sussex Structure Plan (DEV1) and the Adur District Local Plan (AH2).
3. There is no indication that the necessary contribution would be made to improvements to sustainable transport infrastructure to offset the effects of the travel demands generated by the proposed dwellings as required by the West Sussex Transport Contributions Methodology and policies DEV4-5 of the West Sussex Structure Plan.

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