Development Management - Delegated Officer Report

Application Number: AWDM/0384/22 Recommendation – Approve

Site: Land North Of 1 To 28 The Haven, Brighton Road, Lancing

Proposal: 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.

Date of site visit: Visited in association with previous application

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to two areas of open space fronting the A259 Brighton Road, separated by an existing vehicular access and driveway serving The Haven, a 3 storey block of flats set back from the Brighton Road by between 28-50m. To the west is Kings Court, a 3-4 storey block of flats similarly set back from the road with a grassed area in front. To the east, there are 4no. detached houses and bungalows also set back from the road a similar distance to The Haven before a line of dwellings positioned further forward, close to the road. To the north of the site on the opposite side of Brighton Road are bungalows and houses, set back from the road by around 15m, with houses. The site was originally reserved for road widening but was sold by West Sussex County Council.

Planning permission was granted on appeal in 2021 for a development of 9no. flats in a predominantly two storey building with a pitched roof on the eastern part of the site (AWDM/0063/20). One of the flats was to be located within a link detached single storey building at the rear (south). The mix of units was:

- 1no. 2 bed (3 person) flat
- 4no. 2 bed (4 person) flats
- 4 no. 3 bed (5 person) flats

Parking for 12 cars was to be provided on the western part of the site, to the west of the access road.

The current application seeks permission for a revised scheme comprising 7no. two storey 3 bed terraced dwellings with accommodation within the roofspace served by small rear dormers and rooflights. This constitutes a reduction of 2 units from the previously approved scheme. The dwellings are on a similar footprint to the approved flats but the link detached building at the rear has been removed and private rear gardens are instead provided for all the dwellings.

The parking area to the west is provided as before but is enlarged with two

additional spaces (14) and cycle parking for 20 bicycles.

The application is supported by:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Contamination Assessment
- Surface Water Drainage Strategy
- Noise Assessment
- Air Quality Assessment
- Daylight and Sunlight Assessment
- Energy and Sustainability Assessment
- Hard and Soft Landscape Schedule and Specification

Relevant Planning History

AWDM/0063/20 - Construction of 8no. flats (4 x 2 bed and 4 x 3 bed) within 2 storey building and 1no. 2 bed flat (9 in total) within link-detached single storey building, with 12no. parking spaces, 10no. cycle spaces, bin store, amenity space and landscaping - refused and allowed on appeal

Consultations

West Sussex County Council: No highway objection subject to conditions relating to car and cycle parking, CMP and visibility. Access Road The access and access road into The Haven site are well established, the proposal will have the following impacts; intensification of use, new manoeuvres from the car park access, reduced visibility from Brighton Road into the site due to the mass of buildings. However, the bell mouth access itself is relatively wide for the first 7.5m and then narrows at the public highway boundary to 5m which is acceptable for an access road. Given the horizontal geom entry of the access road and the open verge protruding from the western elevation there is an acceptable level of visibility for vehicles entering the site to see vehicles exiting the car park.
Parking Cycle parking spaces have been provided in a covered cycle parking area to the rear of the parking area. Each dwelling will have a covered cycle area in their rear gardens. Ideally cycle parking should be 'secure' and it is usual for a small, lockable cycle shed to be provided.

Adur & Worthing Councils: The ***Environmental Health*** **Officer (Public Health)** comments that given the noisy side of the development is North facing and will not get much solar gain I am happy to stick with the previous condition to include MVHR. This will negate the need for windows to be opened on the Northern Facade. Additional ventilation can be provided by opening the southern facing windows on the first and second floor when hot, although this will increase internal daytime noise levels in these rooms to 40dB(A) they are within the tolerances permitted for such circumstances. The Ground floor and garden will be shielded to some extent by the building structure and wall. This is consistent with what we have approved for other development along Brighton

Road

The ***Environmental Health (Private Sector Housing)*** officer has no objection

The ***Engineer*** comments as follows: Flood Risk: The application is within flood zone 1, and is not at risk from surface water flooding. The application is within future flood zone extents, and we would encourage the applicant to consider not providing sleeping accommodation at ground floor level so that the development is safer throughout its lifetime

Surface water drainage: A surface water drainage strategy has been submitted that includes winter groundwater monitoring and winter infiltration testing. The obtained infiltration rates are good and indicate that an infiltrating surface water drainage solution should be achievable. The level of information submitted is insufficient to avoid the requirement for pre-commencement conditions. Furthermore, there are a number of points which will need to be addressed at detailed design. We therefore recommend that, should you be minded to approve this application, conditions are applied to secure detailed drainage design which will ensure the development is safe from flooding and does not increase flood risk throughout its lifetime.

Southern Water: The developer is currently in consultation with Southern Water with regards to entering a water main diversion agreement. The details of the proposed diversion needs to be agreed and approved by Southern Water before implementing on site. Recommend condition to secure details of the proposed means of foul sewerage and surface water disposal.

Lancing Parish Council: Members supported the application but expressed disappointment that the development no longer contained any affordable housing and requested that the developer be required to plant suitable trees along the boundary by the road to mitigate the effects of car pollution on the residents, the loss of green space and the visual impact of the development on nearby houses.

Representations

11 letters of objection received:

- Design does not match that of The Haven and would harm its setting
- Out of character
- Insufficient parking
- Loss of green space and impact on wildlife
- Loss of privacy
- Overdevelopment
- Increased risk of flooding through loss of green space
- Loss of light
- Increased risk to highway safety
- Increased traffic and congestion
- Disruption during construction works
- Increased strain on public services and infrastructure
- Dangerous location for family homes
- Risk of trespass through The Haven to the beach
- Latest plan offers fewer affordable accommodation

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 3, 15, 18, 19, 20, 21, 22, 28, 30, 34, 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Planning Contributions for Infrastructure Provision (ADC 2013)
Lancing Vision 2012
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The principle of development on the site was established when the appeal was allowed last year. At that time the Council was unable to demonstrate a 5 year supply of deliverable housing sites and had delivered only 48% of its housing requirement during the measurement period (2017-2020). In such circumstances, the NPPF explains that where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years, permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Inspector was of the view that "*the need for housing is urgent and a step change in delivery is required.*" He allowed the appeal , stating:

"*I have not identified any material harm in relation to the character and appearance of the area, or the living conditions of the occupiers of The Haven. It follows that there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal*."

Since that appeal decision the Government released the results of the latest Housing Delivery Test in January 2022 which covers the period from 2018/19 - 2020/21. Adur District Council scored a significant improvement in delivery rate of **77%** and, as a consequence, the presumption in favour of sustainable development no longer applies and the tilted balance also no longer needs to be applied to this case.

This proposal will result in fewer new units of accommodation and therefore even fewer benefits overall, with no affordable dwellings provided.

Nevertheless, there is an extant planning permission on the site which is a material planning consideration in the determination of this current application. The provision of family housing will accord with Policy 20.

Visual amenity

The site is currently laid to grass but there was historically a substantial Victorian villa on the site, albeit more than 50 years ago. The Inspector at the 2021 appeal was satisfied that it can be defined as previously developed land. He did not consider that the land was integral to the design of The Haven in terms of providing a landscaped setting. The provision of a building much closer to the road than other properties in the immediate vicinity would not, in his view, be out of keeping "*given the varied townscape which exists along Brighton Road. There is no consistency in building line on the south side of the road, and when travelling west existing property frontages largely screen the site until the last moment*."

The current proposal would sit in a similar position to the appeal scheme in relation to the road and would not be demonstrably more prominent in the street scene. The building will be closer to the eastern boundary than before but there will be sufficient land available to provide soft landscaping to the sides and it is not considered that it will appear cramped. Flagstone paving and an evergreen hedge are proposed for the frontage of each dwelling.

The Inspector previously considered that:

"*The new flatted block would present a strong and active frontage onto the street and its modest two-storey scale would be comparable to other buildings along this stretch of road. The use of primary colours for window surrounds would give the design a contemporary twist, and this would add interest to a street scene which is characterised by an eclectic mix of architecture. The development would be split into three discrete blocks with subservient links; this would ensure that the mass is well-articulated with the same horizontal emphasis that is a characteristic of The Haven and other nearby apartments*."

The current scheme follows the design code of the appeal scheme, being two storey in scale with the use of primary colours within the front gables. While a terraced form, the roofline is broken up with a change in ridge level at two points.

The Inspector found that:

"*Whilst there would be some impact on visual amenity arising from the loss of the site's open character, this would be offset by the high architectural quality of the proposed development. I therefore conclude that the scheme would make a positive contribution to the sense of place, local character and distinctiveness of the area*."

There is no reason to reach a different conclusion with the current scheme.

Residential amenity - for proposed dwellings

The houses have a floor area of between 122 and 137sqm which comfortably exceeds the minimum National Standard for a 3 bed 6 person 3 storey dwelling. Garden area measures a minimum 65m2 which meets the Council's guidance for 3 bed terraced dwellings.

A noise assessment has been submitted. It notes that the dwellings will experience traffic noise and recommends acoustic glazing. However, the windows will need to be closed to achieve the internal noise criteria and an alternative form of ventilation and/or cooling will be required so that occupants can retain access to fresh air and retain thermal comfort without compromising their noise climate. A 'whole dwelling' ventilation system is to be installed.

The Environmental Health Officer has no objection subject to the re-imposition of a condition to secure an acoustic protection scheme.

Residential amenity - effect on existing dwellings

The removal of the link detached building at the rear opens up the space between the development and The Haven at ground floor. Space between the buildings at upper floor level generally meets the requirements of DM Standard No.1, where 28m separation is required between three storey buildings. A dormer at the western end of the terrace does fall short of the 28m distance and is shown as being obscure glazed to protect privacy. It serves a bedroom and the only outlook to that room will be via a rooflight. Following discussions with the applicant, the window has been amended to be only part obscured (below 1.7m above floor level), which enables a better outlook without compromising neighbour privacy.

The Inspector considered that:

"*The new building would not be so close as to be overbearing and the separation distances would be such that adequate levels of privacy could be maintained. The Council does not contest the submitted Daylight and Sunlight Assessment which concludes that the proposal would have an acceptable relationship with The Haven. I am mindful that the living rooms would continue to enjoy an open aspect towards the sea*." The same conclusion can be reached here.

The parking area to the west of the access road is similar to before but it has increased in size, with more parking spaces along the southern edge closest to the flats in The Haven. There was previously concern that the close proximity of the parking area to ground floor bedroom windows in The Haven would harm the living conditions of the occupiers of those flats by reason of noise, fumes and car headlights.

However, an acoustic screen fence is to be erected along the southern boundary of the parking area which would provide effective mitigation against any noise from vehicles arriving, departing and manoeuvring within the parking area. It would also prevent any nuisance from headlights. The Inspector previously considered that "*Although the fence would significantly alter the outlook from the affected bedroom windows, it would not be so close as to be oppressive and the planting of a privet hedge in front of the fence would soften*

its appearance and provide screening in the long term." He did not consider that there would be a harmful impact on existing residents and the revised proposal does not significantly change that relationship or conclusion.

Accessibility and parking

The proposal includes 14 unallocated parking spaces for the development, in accordance with West Sussex guidance. Four spaces are proposed to be provided with electric vehicle charging infrastructure. 20 cycle parking spaces are also to be provided in the form of visitor parking within the car park area and private cycle storage for each dwelling. The plans originally showed bike stands in the front gardens but this was not considered to be particularly secure. Amended plans have now been received showing these provided within the rear garden. They will only be accessible through the house due to the terraced form of the dwellings and the lack of rear access. While not ideal, in the circumstances this is considered to be acceptable.

The Highway Authority has no objection to the proposal.

Flood risk and Drainage

A surface water drainage strategy has been submitted that includes winter groundwater monitoring and winter infiltration testing. The strategy proposes the use of permeable paving and geocellular crates as the main SuDS component to manage runoff from the proposed development.The Council's Engineer is satisfied with the information provided to date but has recommended conditions to secure detailed drainage design prior to commencement.

Sustainability

The application is supported by an Energy and Sustainability Report which estimates that baseline predicted CO2 emissions would be reduced by 2.6% which falls disappointingly well short of the aim of 31% CO2 reduction for all new build housing, as set out in the Adur Planning and Climate Change Checklist. No renewable energy measures were initially included.

An amended Energy Report has subsequently been submitted which includes the provision of PV panels on the rear roofslope of some, but not all of the dwellings. The stepped roof heights make it difficult to provide solar panels for all of the dwellings. Nevertheless, the Energy Report states that such provision has improved CO2 reduction to 32.3%. This is considered to be acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit
3. Construction Management Plan

4. Foul water drainage
5. Surface water drainage
6. Surface water maintenance
7. External materials
8. Boundary treatment
9. Cycle parking
10. Vehicular access
11. Visibility splays
12. Vehicle parking and turning
13. Electric vehicle charging spaces
14. Refuse storage
15. Obscure glazing
16. Water efficiency and sustainability
17. Acoustic protection
18. Drainage as built drawings
19. Landscaping
20. Removal of PD

Is recommendation contrary to letter(s) of representation? Y

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 18 May 2022

Authorised by: Date: