Development Management - Delegated Officer Report

Application Number:
AWDM/1267/13

Recommendation – Approve reserved matters

Site: **1 Freshbrook Road, Lancing**

Proposal: **Application for approval of Reserved Matters pursuant to planning permission ADC/0229/10 relating to appearance, landscaping and scale**

Date of site visit: 25 October 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application seeks Reserved Matters approval further to the permission granted under reference ADC/0229/10 relating to the appearance, landscaping and scale of the proposal, the access and layout of the development having being approved at the outline stage.

The application site comprises a former office/storage building subsequently used for unauthorised recreational purposes, which was the subject of enforcement action, and currently as a boxing gym which was granted a 3 year temporary permission in 2011.

The site is currently accessed via a tarmac roadway running alongside the railway line but this would be bollarded if permission were granted. The access is to the northern side of no 3 Freshbrook Road and the site for the proposed dwellings is behind nos 3-25 Freshbrook Road. The railway is to the northern boundary of the site and immediately to the east is a bungalow, 25a Freshbrook Road. Further to the east is Amberley Court, a large sheltered block.

Relevant site history

Demolition of existing building and erection of 6 one-bedroom flats with garaging for 6 cars plus storage (cycles and bins) beneath (Outline with details of access, layout and scale) – refused and appeal dismissed (ADC/0437/09).

Demolition of existing building and erection of 4 terraced houses (3 two-bedroom and 1 one bedroom) (outline including details of access and layout) granted outline permission in 2010 (ADC/0229/10).

Permission subsequently granted in 2011 for the temporary change of use (max 3 years) from storage/office (B1/B8) to a boxing gym and keep fit facility (D2) (ADC/0044/11)

Consultations

West Sussex County Council:

West Sussex County Council was consulted previously on highway matters for this location under planning application no. ADC/229/10 to which no highway objections were raised. This application refers to reserved matters of that proposal.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal for 4 no. 2 bed houses with pedestrian access onto Freshbrook Road via an existing access point has been accepted in principle.

The reserved matters plan for the access shows nil provision for car parking has been included in the proposal and the access is to be bollarded to only allow for pedestrians and emergency vehicles to enter the site. Footway provision exists immediately adjacent to the access and there is dropped crossing facilities immediately opposite the access to allow for sustainable transport movements to occur.

There are no anticipated concerns with the Reserved Matters of this proposal.

Adur & Worthing Councils:

Environmental Health:

Given the proximity of the proposed dwellings to the railway I would ask that the developer consider acoustic ventilation or acoustic trickle vents on the glazing proposed for all habitable rooms facing the railway. British Standard BS 8233: 1999: Sound insulation and noise reduction for buildings, recommends the following noise levels for habitable rooms.

British Standard 8233 Indoor Noise Levels

Room	Good	Reasonable
Living Room	30 dB LAeq,T	40 dB LAeq,T
Bedroom	30 dB LAeq,T	35 dB LAeq,T & 45 dB LAmax,F

There are 19 night time trains, between the hours of 11pm and 7am, both directions. It is reasonable to assume the maximum noise at the façade of this development facing the railway will exceed 60dB(A), probably in the range of 80dB(A), when a train passes and therefore internal noise levels of 45dB(A) will be exceeded if windows are left open at night for ventilation. A partially open window usually offers 15dB(A) noise reduction. Therefore windows will need to be kept closed at night to prevent noise waking residents; hence I am asking for an alternative means of ventilation for these bedrooms.

With regards living rooms; there are 193 trains, both directions during the day. That works out at a train passing every 5 minutes. If windows are left open for ventilation then the noise from passing trains would be annoying, particularly if you were trying to relax with a book or watch tv. It is also unlikely that the day time limit above will be achieved if windows need to be opened. For this reason I

would ask for an alternative means of ventilation for these rooms in order that windows can remain closed.

Alternatively kitchens, bathrooms and the stairwell could be positioned on the railway façade and habitable rooms placed on the Southern façade.

I appreciate that outline permission has been given but I would appreciate if my comments are taken on board by the developer.

I can confirm that I have no other comments to make with regards the application.

In respect of contaminated land, Environmental Health confirms they have no comment to make.

Lancing Parish Council: No objections

Representations

None received

Relevant Planning Policies

National Planning Policy Framework (CLG 2012)

Adopted Adur District Local Plan 1993–2006 (ADC 1996) (saved policies): AG1, AH2 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2 'Space Around New Dwellings and Flats' 'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010)

Planning Assessment

Principle

The principle of development was established by the outline permission

Amenity

Appearance, landscaping and scale are matters for this application although it is apparent that the plans are as per the outline submission and indeed, amenity matters were referred to at the time. The layout of the development was approved at the outline stage and thus the considerations of amenity assessed at the time of the outline application would remain relevant under the current proposal provided that there has been no material change of circumstances on site subsequently.

In terms of the impact upon existing dwellings, the bungalow at 25a Freshbrook Road is that potentially most affected by the proposal. During consideration of the 2010 application, the officer report stated:

'With regard to the effect on No.25A Freshbrook Road, the bungalow to the east, the siting of the proposed building is 3.5m away at its closest side (the same as the existing building and compared with 2.5m with the previously-refused 6 flats). The bungalow, on its west-facing side elevation, has only one side window and rooflight

to a bedroom, plus a high level window in the side of the lounge. There would be some loss of light but it is not considered that the effect would be so adverse as to warrant refusal. The proposed building would not project northwards beyond the rear (north) wall of the bungalow which was a problem with the previously-refused proposal for 6 flats.'

In fact, the proposed dwelling the building was proposed to be 3 metres away, rather than 3.5 metres, from 25a as its closest point and this remains the case under the Reserved Matters approval. The building would therefore be slightly closer than the existing building but still further away than the refused scheme for the flats referred to. It is noted that subsequent to the Committee report above, the scheme for flats was dismissed at appeal and the effect of that development upon 25a Freshbrook Road cited as a reason for dismissing the appeal. It is also noted that the Inspector was aware of the outline permission in coming to her decision since the permission was granted prior to the appeal being determined. In this respect, it is not considered that the appeal decision represents a material change in circumstances and the Inspector specifically acknowledged that the outline scheme did not project beyond the line of 25a, unlike the flats proposal. Since the current proposal also does not project beyond the line of 25a, it is considered that the reserved matters proposal is acceptable in terms of its impact upon 25a.

The main impact upon the properties to the south would potentially be through overlooking. Again, this issue was addressed during consideration of the previous application:

In respect of the relationship to the terraced houses on the road frontage, the proposed building would be situated to the rear of 3 of these houses (No's 17, 19 & 21 Freshbrook Road). These houses have long rear gardens and the proposed building would be 25m away at its closest. This compares with the Council's minimum standard of 22m for houses of up to 2 storeys which back onto each other and 28m for three-storey houses. This distance is required mainly in order to give adequate privacy between facing principal windows. In the instance of this case, because the proposed building is only about 1.5m from the boundary with the end of the rear gardens of the houses, the applicant has shown on the illustrative elevations the building designed with only obscure-glazed WC windows and high level bathroom windows in its facing elevation, with rooflights (minimum 1.7m above floor level) and solid groundfloor front doors. Consequently, overlooking from the building would not be a problem but it does result in a rather blank and unattractive elevation. The elevation facing the houses has greater mass than the previously-refused block of 6 flats but it is not considered that this warrants refusal.

As such, the appearance of the development is influenced by the need to avoid overlooking of the neighbouring properties. Consequently, it follows that if permission has been granted at the outline stage for the number of dwelling proposed with an approved siting, there is little alternative for the development to appear as a rather blank elevation to the dwellings to the south. It is not considered that reserved matters could be refused on this basis.

Landscaping is a Reserved Matter but there appears to be little opportunity to provide significant landscaping given the size of the site.

The comments from the Environmental Health Officer in relation to noise are noted but this matter is subject to a specific condition under the outline permission.

Accessibility and parking

These matters were considered at the outline stage and the County Highways section raises no objection to the current proposal.

Recommendation

APPROVE the Reserved Matters application for the reason:-

The Reserved Matters application provides satisfactory details in respect of scale, appearance and landscaping and the proposed development is within the built-up area and would help meet the need for additional housing without detracting from the existing local urban environment. It can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety.

Subject to Conditions:-

1. Permission relates to approved plans:

Drawing No: 10/574/01 rev A	Date Received:	7 October 2013
Drawing No: 10/574/02 rev A	Date Received:	7 October 2013
Drawing No: 10/574/03 rev A	Date Received:	7 October 2013
Drawing No: 10/574/05	Date Received:	7 October 2013

2. Approval of landscaping details

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Gary Peck Date: 13 January 2014

Authorised by: Date: 13th January 2014