Application No.: ADC/0737/07 **Recommendation – Refuse Application**

Site: **Garages to Rear of 38-44 Kingston Broadway, Shoreham-by-Sea, West Sussex**

Proposal: **Redevelopment with 4 One-Bedroom Flats and 2 Two-Bedroom Townhouses with Integral Garages, with Associated Parking for Flats at No.'s 44a-d Kingston Broadway (Outline Including Access Details)**

The Application

The application site comprises a 0.117ha parcel of land at the rear of No.'s 38-44 Kingston Broadway accessed by an existing private road whose entrance comes off Hawkins Road.

The site is surrounded on all sides by existing development. To the north and east are the rear gardens of houses in Hawkins Road. To the south is a three-storey block of shops with flats over (Kingston Broadway) and to the west is Wadurs swimming pool and the Homebase retail superstore.

The site is currently used for garaging purposes and there are two small businesses run from premises within the site (an MOT station and repairs garage) and a B1 unit currently let to a metal fabrication company. Both businesses are subject to temporary planning permission.

Along the access road are a number of garages that serve the shops on Kingston Broadway and are used mainly for storage of goods associated with the shops use. There are also two hard-standing spaces on the north side that are in private use for No.64 Hawkins Crescent.

The site has previously been the subject of two outline applications (access and siting details) for redevelopment into a two-storey block of 8 one bedroom flats and 17 car parking spaces. Both of the applications were refused (SU/196/03/TP/OA – Refused 28/11/03 & SU/249/04/TP/OA – Refused 6/1/05), with the latter than forming the subject of an appeal to the Planning Inspectorate which was ultimately dismissed (APP/Y3805/A/05/1176285 – Dismissed 23/8/05).

In dismissing the appeal the Inspectorate had significant regard for:

- The limited depth of the communal amenity space behind the eastern most portion of the development;
- Associated impacts on the privacy of adjoining development;
- An unusual and inappropriate internal arrangement whereby the indicative flat designs requires inhabitants to walk through the bathroom in order to move between the bedroom and living area;
- The small size of the flats ($48m^2$) representing an over intensive development of the site; &
- Insufficient information relating to the ongoing use and/or needs of the site by nearby shops for parking and storage purposes.

In October 2006 the applicant submitted a modified design to Council for informal feedback. The design sought to address the Planning Inspector's concerns by:

- Replacing half of the flats with 2 two bedroom terrace homes on the western side of the site (where the rear garden is deepest – approximately 10.8m);
- Pushing the eastern half of the development (which maintained 4 one bedroom flats with an altered internal layout) forward of the terrace dwellings in order to increase the depth (from 4.5m to 6.4m) and amount of rear amenity space;
- Identifying notional boundary planting intended to act as a screen principally along the northern boundary of the site;
- Identifying dedicated sites for bike storage and refuse bins; &
- Modifying the car parking layout to maintain some amount of parking, and the refurbishment of storage facilities for the flats (but not the shops) fronting Kingston Broadway.

Despite being advised by Council Officers that the development still appeared to be cramped, and due to its juxtaposition at the rear of both residential and commercial buildings having limited residential development potential, the current proposal is another 'Outline Application' that almost identically replicates that modified design. The only differences appear to be:

- Some minor alterations to the fenestration of the southern elevation of the buildings; &
- Further alteration to the siting of the eastern (flats) half of the development whereby the depth of the rear garden is increased from 6.4m to 7m, and the combined area of the amenity space is increased from approximately 67.2m^2 to 73m^2.

Consultations and Representations

County Transport Planning Services: WSCC Highways advise that the access and number of parking spaces provided appear adequate for the proposed development. Upon closer scrutiny of the plans however they have pointed out the need for a number of modifications to the proposal including:

- Upgrading of the bicycle store to a covered and secure facility;
- Movement of Parking Bay No.8 away from the side boundary of No.36 Kingston Broadway (to allow cars to easily maneuver in and out of the proposed space); &
- An increase in the amount of pavement between the back of the driveways for the proposed townhouses and the cycle storage area to 6m (to ensure a suitable turning area is provided).

Otherwise they have no objection to the proposal subject to the imposition of number of standard conditions, including a TAD contribution of £8,400 towards the provision of sustainable transport improvements within the locality.

Environment Agency: Having identified the site as lying on Head Deposits overlying Newhaven Chalk (the latter being classified as a major aquifer under the agency's "Policy and Practice for the Protection of Groundwater"), and that there are licensed groundwater abstractions in this area, the EA advise that there is a need to protect this groundwater resource from pollution. Although they have no objection to the proposal in principle therefore, they request that standard conditions be imposed to any approval requiring a suitable remediation strategy be adopted for any contamination identified on-site during development works, and nothing other than uncontaminated excavated natural minerals being deposited or stored on-site. The agency also provides a number of recommendations on how surface drainage should be handled on-site.

Director of Services: In addition to reiterating the site contamination issues raised by the Environment Agency, the Environmental Health Branch of Council have requested a noise assessment be undertaken to assess potential noise impacts on the development as a result of its proximity to air conditioning units located at the rear of the adjoining Homebase superstore.

Third Parties: 4 representations have been received from nearby landowners (No.'s 60 & 65 Hawkins Road & No.'s 16a & 30 Kingston Broadway) as well as the operator of the MOT / Garage located on the site itself. Each of the submissions raises objection to the proposal based on grounds including:

- Impacts on the privacy and enjoyment of adjacent rear gardens;
- The suitability of the access leg for increased vehicular activity, given:
    - The absence of any lighting;
    - Its width not allowing for cars travelling in either direction to pass each other;
    - Potential conflict with existing use of the access leg by adjacent shops for the loading and unloading of goods;
    - An expected increase in the amount of noise that will be experienced by adjacent properties; &
    - Potential limitations to access by emergency services;
- Increased pressure on the already limited amount of street parking available in the area; &
- An adverse impact on the character of the locality through the introducing of additional flats into the area.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plans 2001-2016 (WSCC 2005):

LOC1, DEV1, DEV4-5, NE1, ERA1 & ERA 5

Adopted Adur District Local Plan 1993-2006 (ADC 1996):

AG1, AH2, AH5 & Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No. 2 'Space Around New Dwellings & Flats'

Revised West Sussex Parking Standards & Transport Contributions Methodology (WSCC 2003 & ADC 2004)

PPS1 'Delivering Sustainable Development' (ODPM 2005)

PPS3 'Housing' (DCLG 2006)

PPG13 'Transport' (DTLR 2001)

PPS24 'Planning and Noise' (DoE 1994)

Policies

Policy LOC1 of the West Sussex Structure Plan encourages the re-use of previously developed land by infilling, redevelopment and conversion at higher densities providing the impact on the character if the area and environment are acceptable.

DEV1 requires development to be of a high quality taking into account the need (amongst other things) to integrate with and, where possible, enhance adjoining land uses and minimise conflicts between land uses and activities, to create a sense of place; to create a high quality, social inclusive and adaptable environment which meets the long-term needs of users; to create a safe, well cared for environment where opportunities for crime and anti-social behaviour are minimised; to ensure energy efficiency and to give high priority to pedestrians; people with impaired mobility, cyclists, users of public transport and to reduce the dominance of cars and roads. This policy reflects current government guidance that emphasises the importance of the *quality* of development not only to achieve other policy objectives such as making the best use of land but also to ensure a high quality environment for both new and existing residents or occupiers.

DEV4 and DEV 5 are travel related policies. DEV4 requires development to be close to existing passenger transport, walking and cycling networks and should also cater for all travel needs including integrating with existing provision for pedestrians and cyclists, bus and rail transport, ensuring safe and adequate access to the highway network and minimising the impact of motorised journeys. DEV5 strengthens this by stating 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 to encourage walking, cycling and the use of passenger transport is a realistic alternative. Parking provision should not exceed the agreed maximum standards and that secure cycle storage and parking for those with impaired mobility is provided to agreed minimum standards.

NE1 sets appropriate targets for the provision of residential and employment development during the period 2001-2016, and requires Local Planning Authorities to make provision for the levels of development taking into account the locational strategy outlined in Policy LOC1. The policy goes on to require the Local Planning Authority to determine the need to phase development and timing of the release of land for homes and jobs in order to maintain a broad balance between people, homes and jobs; give priority to the reuse of previously developed land; control the pattern and speed of growth in different areas; and ensure the coordination and adequate provision of infrastructure.

ERA1 is a general environmental policy which states that development should make the best use of land in compliance with other structure plan policies. ERA5 talks about pollution control and states, amongst other things, that sensitive development should be prevented in areas subject to existing or potential poor air quality, noise or smell pollution.

Policy AG1 of the adopted Adur District Local Plan is a general policy referring to the built-up area and states that development proposed within the built-up area will normally be permitted subject to other policies within the plan and it not detracting from the existing urban environment.

AH2 states that new dwellings within the Adur District 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. Development should also be designed so that it does not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space and that it incorporates adequate standards of residential amenity for the new dwellings fulfilling the above criteria and that suitable access arrangements and on-site parking are provided.

Council's Development Control Standard No.2 states that the space around new dwellings and flats is an important factor in the creation of a pleasant residential environment which contributes to the individual character, identity and appearance of an area. Infill and redevelopment schemes should respect the existing character and appearance of an area and ensure the retention of adequate privacy, amongst other things, to existing dwellings/flats. Residential developments should not have an excessive overall site coverage of buildings or other hard surfaced areas. The space between buildings is affected by the location of principal windows and the need to maintain privacy between facing windows. A distance of 28m is the minimum required between the rear of a two-storey building and a three-storey building. A distance of 22m is sufficient between two-storey buildings and 14m between the side of a one two-storey building and the rear of another. Amenity areas should be provided for flats with an equivalent minimum of $20m^2$ per flat and take the form of either communal or individual areas.

Relatively recent published government guidance in PPS 1 refers to the need for sustainable and inclusive patterns f urban development by, amongst other things, ensuring high quality development through good and inclusive design and the creation of safe, sustainable, liveable and mixed communities. PPS1 makes particular reference to design and states that planning authorities should prepare robust policies on design and access (para 36) and that

design policies should particularly concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (para 38).

Density & Character

The site, although accessed from a traditional suburban street has the feeling of being very urban. The buildings to the west comprise a public swimming pool (Waders) and a DIY retail superstore (Homebase). Both buildings are approximately 1m from the common boundary and 2m from the western flank wall of the proposed flats. Although the swimming pool building is mainly 1 storey in height it is approximately 30m in length. The superstore is a standardised box-like warehouse and is very industrial in appearance. The building is some 65m in length and 50m wide. The height of the building is approximately half that of a two-storey building (6m+). There is a gap of less than 3m between the two buildings giving an overall effect of one overpowering building obliterating any views to the north and west of the site.

The flats to the south are also very urban in appearance with a rear access deck accessing the main entrance doors. The flats are 25m away from the eastern (flats) portion of the development, short of the 28m standard outlined in Council's development standards, whilst a slight reduction in the footprint of the western portion of the development means that the two terrace homes now comply with the relevant standard. Notwithstanding the result of the above modification, the front of the combined development directly adjoins the car park with turning areas immediately adjacent. This is a hazard and a potential nuisance with regard to pollution from car fumes, a problem exacerbated by the proposed resiting of the eastern portion of the development (containing the greatest number of dwellings) some 2m closer to the junction of the access leg with the 15 bay car park.

The view from the living rooms of all the proposed dwellings would be across the expanse of car park towards a relatively unattractive rear elevation of the existing flats and this, combined with enclosed nature of the site due to the proximity, height and length of the adjoining commercial buildings, and the potential problems with a relatively high level of vehicular traffic coming and going within immediate proximity of the proposed accommodation is considered to result in a level of amenity that is environmentally poor. The overall effect from within the site would be bleak and oppressive.

Whilst the amount of available amenity space for the flats has been increased to around 73m^2 (18.25m^2 / flat), it remains below the 20m^2 per dwelling level outlined in Council's development standards, and has come at the cost of having to push the flats closer to the busy access leg and increasing the potential for disturbance as a result of its close proximity. With respect to the terrace homes, whilst the 10.7m depth of the rear garden is only slightly below the 11m requirement outlined in Council's development standards, and there appears to be enough space to accommodate the 50m^2 per dwelling requirement outlined in those same standards, the arrangement of the space is disproportionate (with the middle terrace being provided with only 34m^2 of

110m^2 available), with the presence of the adjacent commercial structures having an overbearing and (due to the northern orientation of the space) over shadowing effect on this space to an extent where it would tend to make it so unpleasant as to be almost unusable. The concerns expressed by Council's Environmental Health branch relating to noise impacts on this area as a result of adjoining commercial air conditioning units further lowers the level of amenity likely to be enjoyed in these spaces.

Appearance & Residential Amenity

The actual appearance, particularly the front and rear elevation treatments of the proposed development are of good standing and are not considered to unduly detract from the existing character of the locality.

With respect to impacts upon neighbouring privacy a number of indicative bedrooms plus the kitchens of the two terrace houses would look directly over a number of rear gardens of properties fronting Hawkins Road, however due to the orientation of the buildings and the adjacent plots, their view predominantly takes in the very end of the gardens and do not have a direct view into any adjoining residences in contravention of Council's development standards. Windows into the indicative kitchens and bathrooms of the eastern-most flats however, look eastward directly into the rear garden of No.64 Hawkins Road.

In an attempt to minimise privacy concerns resulting from the above windows the proposal includes the installation of boundary planting along the rear boundary of both No.'s 62 & 64 Hawkins Road. Given the limited width of the building setback (2m), the height that the vegetation would need to grow to in order to provide an effective screen, and the difficulties Council would experience in seeking continued retention and maintenance of that vegetation however, this is not considered an adequate design solution to the adverse impact that would be experienced on those adjoining residential properties as a result of the proposal. The use of fixed and opaque windows could also be employed however this would mean that all four of the flat kitchens would have no outlook, other than through the living room, across the car park and towards the rear elevation of the three-storey Kingston Broadway flats as previously discussed.

Flat & Room Sizes

The indicative internal layout further identifies that the internal measurements of each flat is approximately 43m^2. Whilst it is acknowledged that as this is an outline application relating to access and siting details only, and Council's Development Control Standard No.4 – Flat Conversions' does not strictly apply to this case given it does not involve conversion of an existing building, it is worth noting that this measurement is slightly below the 45m^2 internal measurement size outlined in that standard. In addition to the poor environment of the location, this reinforces the Planning Inspectorates previous assertion that the proposal represents an over intensive development of the site. By simply converting 4 single-bedroom flats into 2 two-bedroom terrace houses (which essentially provides the same level of

accommodation), the applicant does not appear to have done anything in the modified design to resolve this matter.

Access & Parking

Despite the concerns expressed by neighbouring residents, WSCC Highways have advised that subject to relatively minor modifications that they are satisfied with the proposed access and parking arrangements. Despite the apparent validity of those concerns therefore, refusal to the application on these grounds would appear difficult to sustain.

Recommendation

REFUSAL for the reason that:-

1. Having regard to the limited area of the site and its 'backland' relationship to existing residential properties, the proposal would give rise to an unneighbourly form of development which would be detrimental to the residential amenities and environment of the locality, adversely affecting the privacy and quiet enjoyment of the neighbouring rear gardens and representing an over-intensive use of the site out of keeping with the character of the area. It therefore conflicts with policies AG1 & AH2 of the Adur District Local Plan and DEV1 & LOC 1 of the adopted West Sussex Structure Plan.

2. The proposal does not incorporate adequate standards of residential amenity for the proposed flats owing to poor layout, poor outlook and insufficient usable amenity space and therefore conflicts with policies AH2 of the Adur District Local Plan and DEV1 of the adopted West Sussex Structure Plan.

Case Officer: ..J Reynolds..... Date: ..28/1/08.

PB 28/1/08