Application Number: ADC/0587/07 Recommendation – APPROVE

Site: **Land to West of Surry Arms 388 Brighton Road Shoreham-by-Sea**

Proposal: **Three-storey building comprising 5 two-bedroom apartments with 5 car parking spaces at rear accessed from Surry Street**

The Application

The application site, which is currently owned by the Council, is a rough-surfaced open area, partly used for parking, on the corner of Surry Street and New Road/ Brighton Road. It includes part of a drying area for the adjacent flats, a mini-recycling centre (a row of bins along the north side), the remains of a seating area for the public house, plus the stub of the original Surrey Street on the east side (which runs along the western side of the public house).

The application is accompanied by a Design & Access Statement.

The plans show the closure of the existing access to the south (closing the remnant of the former street directly adjacent to the Surry Arms PH) and the creation of a new access to Surry Street to the west (at the south end of the existing lay-by). This new access would serve 5 parking spaces on the ground floor at the rear of the proposed building and parking to the rear of the public house (which has permission to be converted to flats).

The new building is shown located on the corner, set back 0.5m from the rear edge of the pavement in Surry Street (on the west side) and about 1.5m-2m from that to the south. It would be 4.5m from the side of the public house. The elevations show a three-storey building with an almost flat roof (sloping down from front and rear to the centre) and balconies facing south and west.

In April 2007 the Committee considered a previous version of the proposal (ADC/0128/07) which had a number of differences from the current design:-

- A full gable roof of 13.3m overall height, as opposed to the almost flat roof now proposed which reduces the overall height to 9.2m;
- A slightly different building 'footprint' that accommodated 3 two-bedroom flats and 2 one-bedroom flats, as opposed to the current proposal for 5 two-bedroom flats.

The previous application was invalid and thus was not formally determined but there was an indication by the Committee that they would have refused the application on the basis that the building would have had an overbearing impact on the adjacent Pashley Court flats.

Consultations and Representations

County Transport Planning Services: Contrary to their advice on the previous application, recommend refusal on the basis of an insufficient

visibility splay from the new access northwards, owing to obstruction by cars parked in the adjacent lay-by in Surry Street. They also comment that the bicycle store is not large enough for 10 bicycles to meet the adopted standard for 5 two-bedroom flats.

County Planning Services: The Conservation architect states that the present design is not so well-proportioned as the previous gable-roofed design but he still considers it would fit satisfactorily on this site and not adversely affect the setting on the listed Regency houses on the opposite side of the road to the west.

Environment Agency: No objection subject to the imposition of conditions requiring a minimum floor level of 5.1m AOD (to reduce the risk of flooding), and, if during development contamination not previously identified is found to be present at the site, then no further development be carried out until the developer has submitted and obtained written approval for an amendment to the Method of Statement detailing how this unsuspected contamination shall be dealt with (to prevent pollution to controlled waters).

Southern Water Services: Whilst they are yet to respond to the current application, their comments on the previous proposal are that diversion of the foul water sewer crossing the site may be possible subject to foundations within 3m of the sewer being taken down to at least 0.15m below the invert level of the sewer. Sewer and surface water diversion Agreements would be needed with SWS Ltd. They also request imposition of a planning condition requiring submission and approval of measures to be undertaken to divert the public sewers.

Director of Services: The Environmental Health officer has no objection provided the applicant designs the building to take account of traffic noise within NEC 'C'.

The Waste Services Manager has raised concerns with both the size of the bin storage area, as well as the distance that tenants will need to move the bins from the storage area to a collection point.

Third Parties: 5 letters have been received from nearby residents/owners at No's 382 & 384B Brighton Road, 57 New Road and 23 & 28 Pashley Court.

4 of these support the proposal (including one on the basis that the roof has now been lowered), one asking if the trees can be replaced. No.57 New Road add that they would object if the recycling bins are moved to the grassed area at the side of their house.

The other letter is an objection from a housebound neighbour at 23 Pashley Court who objects to a three-storey building in front of her windows resulting in loss of what view she has, loss of trees which give great pleasure from watching the birds and loss of sun and daylight, as well as increased noise from cars utilising the proposed access drive.

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-16 (2005): LOC1, CH1, NE1-2, ERA1, DEV1, DEV3-5

Adur District Local Plan 1993-2006 (1996): AG1, AH2, AH5 and Appendix 11 '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' (DCLG 2006)
PPG13 'Transport' (DTLR 2001)
PPS24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The site is located on the edge of a predominantly residential area, adjoining commercial uses along Brighton Road. In the Local Plan, it lies within the area covered by the Town Centre Inset Plan but is not identified for any particular use or development. In principle, the proposed development for residential purposes accords with both Structure and Local Plan policies. In order to meet the housing requirements of the Structure Plan, it is necessary that a significant proportion of new residential development takes place by way of 'unidentified' small infill sites such as this.

The above policies encourage redevelopment and infilling to help meet the demand for dwelling houses suitable for small families, single persons, the elderly, as well as affordable housing, and to make best use of urban land. This is encompassed in Structure Plan policy LOC1 but it is on the proviso that "the impact on the character of the area and the environment, resources and assets of the County is acceptable" (para a) and also, in allocating sites in Local Plans, that account should be taken of "the need to protect and enhance the qualities and characteristics of settlements which local communities value" (para d).

Policy DEV1, entitled high quality development, states that development should not be permitted unless the construction, layout, scale, appearance and landscaping are of high quality taking into account the need to, amongst other things, integrate with and where possible enhance adjoining land uses and minimise conflicts between land uses and activities; have regard to context including site characteristics, townscape/streetscape, views into and out of the site and building styles/materials; give high priority to pedestrians and reduce dominance of cars; create a high quality socially-inclusive adaptable environment; protect and enhance biodiversity; ensure energy efficiency; and meet the needs of service providers.

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.

The relevant Local Plan policy AH2, related to housing development by way of infilling and redevelopment, expects development to be designed so that its appearance, character and scale create a pleasant place in which to live, is in keeping with and enhances the existing local environment with particular attention to the architectural form, height, materials, density and layout; respect for the natural features of the site, including trees; no unneighbourly effect on existing dwellings by loss of privacy, light, outlook or open amenity space; adequate access and parking arrangements and accordance with adopted standards (in this case the Council's DC Standard No. 2 'Space Around New Dwellings and Flats' 1996 and the Revised West Sussex Parking Standards and Transport Contributions Methodology 2003).

Government policy in PPS3, in order to achieve a wide choice of high quality homes, improve affordability and create sustainable, inclusive, mixed communities, generally encourages the maximisation of the use of previously developed land for housing development at higher densities and without rigid application of parking and amenity space standards. However, it is also states that "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".
It encourages LPAs to promote "designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes". It states:- "Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

Density, Character and Appearance

The site is prominently located on a road junction and has caused a poor quality appearance for very many years. It is a left over area that resulted from the redevelopment of terraced houses in the former Surry Street which were demolished in the 1960s, involving the relocation of the street 20m to the west to enable the Pashley Court flats to be erected.

The site lies opposite the Conservation Area which terminates at the end of New Road. The end pair of houses in New Road are listed buildings.

The density of the existing flats at Pashley Court is 130 dwellings per hectare (dph). The proposed flats would be at a similar density (133 dph) which is considered acceptable in this context. As stated under 'Policies', the Government refers to a requirement of not less than 30 dwellings per hectare for new housing development.

Concern that the proposal may result in an overdeveloped appearance due to the building almost abutting the rear edge of the pavement in Surry Street and stand well forward of the Pashley Court flats is counterbalanced by the fact that this road is very wide and also has a wide grassed verge opposite. Conversion of the gabled roof to a flat roof has reduced the bulk of the building and is considered a suitable response to the earlier concerns of members when considering the previous design in April this year.

In streetscape terms, the proposal fits in with the tight 'urban' feel of the town centre and the buildings in Brighton Road to the east, several of which are three storeys high. It would also close down the 'openness' in the streetscene that resulted from the clearance of the former terraced houses here in the 1960s. The amended design now proposed is contemporary in style and fits in with Pashley Court. Although it would contrast with the traditional Surry Arms to the immediate east, and the other traditional buildings along the north side of the A259, and along New Road, it is not considered that this contrast is unacceptable in the wider context of the locality. It is not considered that the building would be so closely juxtaposed to the listed houses in New Road as to adversely affect their setting. It is considered acceptable under the adopted policies and PPS3.

The proposal would result in the loss of 2 trees. Policy AB25 of the Local Plan states that permission will only be granted if the trees affected by new development are of poor health or appearance or of little public amenity value. The trees in question have been severely lopped in the past and are of very little amenity value.

Residential Amenity

The southern wing of the Pashley Court flats to the north of the site would be affected by the proposed building which is proposed to be located 17m to the south. Most of the existing flats to the east already face the rear of the buildings in Brighton Road, which causes an 'enclosing' effect, but the proposal would extend this effect further westwards, as well as projecting slightly closer.

The plan shows that the rear wall would only have small windows serving kitchenettes in order to avoid any overlooking concerns. In the absence of principal windows facing those of Pashley Court, there is considered to be insufficient justification to apply the minimum standard of 28m separating distance between buildings over two storeys high.

The concern about whether there would be an overbearing effect is more serious because the proposed building is to the south west of the existing flats. However, given the significant reduction to the bulk of the building that has occurred as a result of the lower roof profile, on balance, it is considered that the development as now proposed is acceptable.

Access

The access arrangements have been modified in accordance with WSCC comments on the previous application, such that the vehicular entrance is

configured at a right angle to Surry Street (involving shortening the existing lay-by), in order to avoid obstruction to visibility caused by cars parked within the lay-by. WSCC have now sought greater amendment by further shortening the existing lay-by but this has been put to them as unreasonable.

The proposal also takes account of the need to accommodate sufficient turning space for the proposed parking spaces at the rear of the adjacent public house (to be converted to flats), by siting the parking spaces a further 1m to the east in order to achieve the usual 6m width needed for turning.

A Highways Stopping-Up Order is required to enable the development to take place (as the access way on the east side is still currently part of the public highway, being the stub of the original Surry Street). This is a separate procedure to be followed later, if planning permission is granted for the development.

Parking & Bin Storage

With regard to parking, the site is in a highly sustainable location close to facilities and to bus routes and the railway station. It is the type of location easily accessible by public transport or on foot where the provision of one car parking space per flat is appropriate. There is a considerable amount of on-street parking in the area but this is not unusual in a central location such as this and is not considered to warrant provision of more on-site parking. Taking account of government advice in PPS3 and PPG13 and policies DEV4-5, it is considered that there is no sound justification for requiring more than the 5 car parking spaces shown on the plans (NB. this compares with the adopted maximum standard of 8 car spaces).

Subject to payment of the sustainable transport contribution under the adopted methodology (calculated as £5,200), it is considered that the parking provisions are acceptable.

In respect of bicycle parking, WSCC advise that 10 cycle spaces are required to meet their adopted standards. The proposed development does include a bin / bicycle store area but its size (2.25m x 2.75m = 6.2m^2 total area), is likely to be needed entirely for refuse storage and therefore be of insufficient size to accommodate the 10 cycle bays requested by WSCC. Cycles could be parked within the rear of the 5 garages and there is limited space available for more cycle parking on the east side of the building. It is considered it can be made a condition of permission.

With respect to the distance between the bin store and the collection point along New Rd/ Brighton Road, the distance that needs to be traversed is not greatly over the 10m maximum recommended by Waste Services and is not considered such as to warrant refusal.

Recommendation

A. Subject to a unilateral section 106 Obligation undertaking to pay £5,200 to sustainable transport improvements in the locality, APPROVE for the reason:-

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. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2, AH5, AB25) and the West Sussex Structure Plan (LOC1, NE1-2, CH1, CH4, ERA1, DEV1, DEV4-5)

Subject to:-

1. C1Ci (Standard time limit)
2. No development shall take place until the existing clothes drying area and recycling facility have been removed and re-provided in a different position, in accordance with details to be submitted to and approved in writing by the LPA.
3. C7Ci (Details of walls and fences to be submitted, approved and implemented, including the erection of a new screen fence on the north side boundary, lowering to no more than 1m high within 2m of the highway boundary to the west) (amended)
4. C8Biv (New access and 5 car and 10 cycle parking spaces to be constructed and retained) (amended)
5. C9Ciii (Turning space to be provided and retained)
6. C9Ai (No use of access until satisfactory kerb and footway crossover constructed and lay-by reduced in length) (amended)
7. C9N (Temporary provision for contractors materials etc. on the site)
8. C11Aii (Landscaping scheme to be approved and implemented and replacement of shrubs that die) (amended)
9. C12Ai (Details of external materials and finishes) (amended)
10. C18A (Details of groundfloor level to be set at 5.1mAODN) (amended)
11. C18K (Provision for waste storage)
12. C18N (Details of measures to divert the foul and surface water sewers to be submitted and approved) (amended)
13. C18P (Trapped gullies for drainage of parking area)
14. C18R (Provision for dealing with any contamination encountered during construction) (amended)

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B. In the event that the section 106 Obligation is not completed by 15 November 2007, that authority be delegated to the Head of Planning & Community to refuse the application on grounds that it does not comply with Structure Plan policies DEV3-5, Submission Core Strategy policy T3 and the Revised West Sussex Transport Contributions Methodology requiring improvements to sustainable transport in the area.

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