Expiry Date - 25/05/2011

Development Control – Officer Report

Application Number: ADC/0061/11 Recommendation – APPROVE

Site: **The Ball Tree 1 Busticle Lane Sompting Lancing**

Proposal: **Outline application (including details of access, appearance, layout and scale) for demolition of public house and redevelopment with 10 dwellings (comprising 4 two-bedroom houses, 2 three-bedroom houses, 3 four-bedroom houses and a three-bedroom bungalow with room in roof) with associated access roadway and parking for 18 cars and 20 cycles**

The Application

The Ball Tree public house is located on the northern side of the junction of West Street with Busticle Lane. It is a hip-roofed, two-storey building of traditional design with dormers on the flank elevations, believed to date from the interwar period. The site area is 0.24ha, including the car park on the north side and an extensive patio and grassed area, with tables, seating and play facilities, to the rear. There is a 1.2m high flint and brick wall along the highway boundary and other brick, flint and timber walls and fences on the other boundaries and within the site.

It is surrounded by dwellings. To the north, there are modern two-storey semi-detached houses (with a communal car park) fronting Busticle Lane and Rectory Farm Road. To the south are 3 cottages fronting West Street (Laburnum Cottage and Penfold Memorial Cottages). To the west (rear), is Cokeham Court, a two-storey ridge-roofed block of 4 flats accessed from West Street.

The application is in outline but includes details of access, appearance, layout and scale with only landscaping as a reserved matter.

It is proposed to demolish the public house and redevelop the site. On the southern corner of the road frontage would be a pair of two-storey three-bedroom semi-detached houses and, to the north of this, a terrace of 4 narrow-fronted two-bedroom houses. The latter are in substitution for a taller block of 5 two-bedroom flats (one in the roofspace) that were originally proposed. To the rear, served by a new access road, with the access retained in its current location at the north end of the frontage, would be a two-storey four-bedroom house, a disabled persons three-bedroom bungalow (with a room in the roof), and a pair of four-bedroom two-storey houses.

The application is supported by a Design & Access Statement, Arboricultural Survey, Assessment of the Impact of Road Traffic Noise, Transport Planning Statement, and draft Section 106 Obligation.

Consultations and Representations

Consultations/Comments

West Sussex County Council: No objection subject to conditions requiring completion, prior to occupation of the dwellings, of the means of access (including 2.4m by 43m visibility splays along Busticle Lane), provision of the car and covered cycle parking, and closure of the existing southern access and to a section 106 Obligation requiring a sustainable transport contribution (final amount awaited) and a fire/rescue contribution of £285. Comments that the 10 dwellings do not give rise to highway capacity concerns in terms of traffic generation although it is mentioned that the applicant's Transport Statement could be criticised for being based on TRICS data relating to only one other public house site. Accepts the Designer's response to the Stage 1 Safety Audit, including on the refuse collection point. Under the WSCC parking demand calculator, 20 car spaces are required, 2 more than shown (and unallocated) but considers that this can take place on-street without causing detriment to highway safety.

Adur District Council: The Environmental Health Officer accepts the conclusions of the submitted traffic noise assessment and has no objection subject to imposing a condition requiring implementation of the noise mitigation measures recommended in the report. The Waste Strategy Manager has confirmed that the proposed communal refuse collection point, on the east side of the long car barn on the north side of the site, is in an acceptable location, 23m from the site access onto Busticle Lane.

Sussex Police: No objections but suggests some revisions, mainly to windows and fencing, to enable more natural surveillance of parking areas and refers to the importance of adequate illumination.

Environment Agency: No objection. No conditions are recommended for imposition but advice is given that the developer should take the necessary precautions to deal with any contamination encountered and to prevent pollution of surface and ground water.

Southern Water: No objection subject to a condition requiring details of foul and surface water drainage.

Sompting Parish Council: Objects on grounds of overdevelopment; removal of a historic building; insufficient off-street parking for both residents and visitors; and new houses too close to Busticle Lane causing a sight-line problem on emerging from West Street.

Third Parties: 4 letters have been received from residents of No.3 Busticle Lane; Laburnum Cottage, West Street; No.15 Rectory Farm Road; and No.2 Greentrees Crescent.

No.3 Busticle Lane is concerned about smell and an unsightly view arising from the location of the proposed bin enclosure at the side of her rear garden, too close to the kitchen windows of her house. She questions the need for a communal bin enclosure rather than having bins within each individual property. Concern is also expressed about protecting the high flint wall on the side boundary of her property during construction work; and about security issues, noise and nuisance from youngsters congregating under the tall roof over the parking barns abutting the boundary of her property.

No.15 Rectory Farm Road oppose the development on grounds that it would attract more traffic with visitors, because of the double yellow lines in front of the application site, parking in Rectory Farm Road where there is already a parking problem. More houses would further overload local facilities such as schools and surgeries. Their rear garden would be overlooked and they would no longer have a nice view. 20 parking spaces are more than the public house has and it is questioned who would use 24 cycle spaces. Trees have squirrels in them and wildlife will suffer. The flint boundary walls should be kept as they retain adjoining gardens. The development is too big for the site and the layout crammed. The public house is a landmark and it is questioned why it cannot be converted to flats or community use. The amendment to 10 houses makes it worse.

No.2 Greentrees Crescent states that the proposal would result in the further loss of part of the local heritage. The public house building and site are large and flexible enough to be suitable for a wide range of community uses (by local clubs and organisations) or as a museum or even council offices to replace Shoreham civic centre. The proposal is overdevelopment and an eyesore that would not fit in with this historic part of Sompting village. It would cause more traffic at an already busy junction, with traffic using the access jeopardising road safety.

Laburnum Cottage is satisfied with the plans and has no objection.

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2
Adur District Local Plan (1996): AG1, AH2, AH5, AB23, AB25-27 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)
Design Bulletin “Trees and Landscaping” (ADC 1996)
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003, amended 2010)
The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1 (WSCC 1999)
PPS1 ‘Delivering Sustainable Development’ (ODPM 2005)
PPS3 ‘Housing’ (DCLG 2006)
PPG13 ‘Transport’ (DTLR 2001)
PPG24 ‘Planning and Noise’ (DoE 1994)

Planning Assessment

Policies

The site is located within a residential part of the built-up area of Sompting and is not identified for any particular use or development in the Local Plan. There are no specific policies which require the public house use or building to be retained. The applicants state that the brewery owners have been marketing the site as a public house without success and that, although still open, it has become financially unviable. Sompting is also served by several other public houses, the nearest being only 500m to the north (Abbot of Sompting).

Residential infilling and redevelopment of unidentified sites, as in this case, is needed in order to meet the Council's 5 year housing land supply required by PPS3 and the housing requirements of the South East Plan. Priority is given to use of previously-developed land. The suitability of individual sites for development depends upon many factors including the adequacy of the means of access to the land, the character of the locality and the siting and configuration of existing and proposed dwellings.

The South East Plan sets out the long term spatial planning framework for the region with the aim of achieving more sustainable development, protecting the environment and combating climate change. Policy SCT1 gives priority to pro-actively pursuing sustainable economic growth and regeneration of the Sussex Coast whilst also protecting and enhancing its high environmental quality, its cultural and historic assets and promoting excellence in design of new developments in recognition of their importance to economic success and quality of life.

Policy SP3 seeks to achieve at least 60% of all new developments on previously developed land and through conversions of existing buildings. Developments in urban areas, including infill, should be well designed and consistent with the principles of urban renaissance and sustainable development. Policy CC6 requires development to respect, and where appropriate enhance, the character and distinctiveness of settlements and landscapes throughout the region, and to use innovative design processes to create a high quality built environment which promotes a sense of place.

SCT5 & H1 set housing targets for the Sussex coast sub-regional area and Adur for 2006-2026. These targets are to be met by focusing development in existing towns, by optimising the use of previously developed land. H5 aims to raise the quality, adaptability and sustainability of new housing and at higher densities (overall regional target 40 dwellings per hectare). T4 states that Local Development Documents should apply guidance on parking standards for housing in line with PPS3, reflecting local circumstances, and ensure sufficient and secure cycle parking for new flats and houses. BE1, entitled management for an urban renaissance, states that opportunities will be taken to improve the built environment, including by promoting design solutions relevant to their context and building upon local character and by supporting opportunities for appropriate higher density and mixed use development schemes. BE2 states that Local Development Frameworks should identify areas where suburban intensification could assist wider planning objectives subject to providing clear planning and design guidance based on local character appraisal.

Local Plan housing policies AH2 and AH5 have been 'saved' and encourage redevelopment to help meet the demand for dwellinghouses suitable for small families, single persons, the elderly, and to make best use of urban land.
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'. Also of note is the Council's 'Good Practice Guidance Note: Internal Space Standard for New Homes'.

Government policy in PPS1 states *"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."*

Government policy in PPS3 encourages best use of urban land for housing development and a mixture of types to create a balanced community, at higher densities (although the requirement to avoid developments at less than 30 dwellings per hectare has now been deleted) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment.

PPS3 also states that Councils should "*facilitate good design by identifying the distinctive features that define the character of a particular local area……. ...Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric… ……successful intensification need not mean high rise development or low quality accommodation with inappropriate space……..The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of 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 existing 0.24 hectare site is clearly under-utilised. The application, as amended, is for 10 dwellings which equates to 42 dwellings per hectare. This is a moderately high density but the neighbouring housing development to the north is at about 50dph so the proposed density would not be out of character. The proposal provides a mix of dwellings suitable for a range of family sizes and, although proposed as open market housing, has been designed to meet housing association requirements to provide flexibility for such an eventuality.

The Ball Tree Inn is quite a distinctive building and is a feature of the locality. However, it dates from the pre-war period and is clearly not of such merit or age as to satisfy the criteria for listing it as a building of special architectural or historic interest. Although there are a few historic cottages in the vicinity at this end of West Street, they are insufficient in number to be able to designate a Conservation Area. The majority of buildings in the area are undistinguished, comprising pre-war bungalows on the opposite (east) side of Busticle Lane and postwar houses and flats to the north of the site. To the south of the West Street junction is a large block of modern flats built in a traditional style and materials.

The proposed redevelopment scheme is considered to have an attractive appearance, in the local vernacular, using traditional building styles and materials, with flint and tile-hanging on the frontage buildings, and is considered an appropriate replacement. The designs have a 'cottage' feel, with dormers in some cases and exposed rafter feet. It is considered that it would help give more of a village character to the area at this road intersection which, to some degree, acts as a local focal point with its ornamental village sign on the opposite side.

The proposed development is considered to fit comfortably on the site without appearing overdeveloped or cramped. Reasonable space is shown around the proposed buildings. On the corner of the road junction, the pair of houses will be sited closer to the road than the existing public house, but this would help to create a tighter urban form, thereby benefitting the streetscape. They would not be as close to the highway as Laburnum Cottage or the cottages on the opposite side of West Street which abut the pavement. The existing attractive front boundary wall will be retained and gaps infilled with matching materials

Effect on trees & landscaping

There are 2 large intergrown sycamore trees adjacent to the road junction, which are a prominent feature of the streetscene. These are shown retained but precautions will need to be taken within their root protection zone. A small adjacent sycamore of no consequence will be removed.

There are other trees along the western (rear) boundary which are within Cokeham Court but overhang the boundary. The proposed houses are sufficient distance away as not to harm their roots or threaten their future existence. A willow tree within the garden of Laburnum Cottage is also far enough away from the proposed buildings.

Residential amenity

With regard to the impact on the residential amenities of existing neighbouring dwellings, the proposed dwellings and ancillary carport buildings are considered to be a sufficient distance away. The Council's DC standards are 22m distance between principal windows of habitable rooms of dwellings which back onto each other and, for corner plot relationships, 14m between the principal rear windows of one dwelling and the side (if it is blank) of the other dwelling.

To the west, the side of Cokeham Court is 14m away and the rear of the house at No.17 Rectory Farm Road is 21m away from the proposed dwellings at the rear of the site. The latter is marginally short of the minimum distance of 22m in the Council's DC Standard No.2. In the case of Cokeham Court, it is only the side of that building which faces the rear windows of the proposed bungalow (plot 8) and houses (plots 9 & 10) and, although it has side windows, the view is largely obscured by the existing line of trees (plus some additional tree planting). It is not considered that privacy would be inadequate.

To the south, No's 1 & 2 Penfold Cottages only have very short rear gardens 6m-7m long. They back onto the side of the proposed bungalow (plot 8) but the latter is well away from the boundary, to give an overall separation distance of 12m. The proposed house (plot 7) to the rear of Laburnum Cottage has a separation distance of 21.5m and intervening tree planting is proposed.

To the north, the side of the proposed house (plot 10) in the north-west rear corner, which has only 3 small obscure-glazed windows (stairs and WC), is 18m from the rear of the houses at No's 1-7 Rectory Farm Road. The side of the proposed northernmost house on the road frontage (plot 6) is 11m minimum from the side of the house to the north (No.3 Busticle Lane), with the proposed access road in between.

As to the standard of amenity of the proposed dwellings, internally, the plans indicate that the Council's recently-adopted 'Good Practice Guidance Note: Internal Space Standard for New Homes' would be met. The 3 four-bedroom houses are each

106sqm or 114sqm; the 2 three-bedroom houses are each 93sqm and the three-bedroom bungalow is 114sqm; and the 4 two-bedroom houses are each 77sqm. This compares to the respective standards of 106sqm, 93sqm and 77sqm.

Externally, the 3 four-bedroom houses would have 90sqm rear gardens (plots 9 & 10) and 140sqm (plot 7) as compared to the standard of 100sqm. The 2 three-bedroom houses (plots 1 & 2) would have 70sqm and 120sqm (standard 85sqm); and the bungalow (plot 8) 190sqm (standard 85sqm). The 4 two-bedroom houses (plots 3-6) would range from 33sqm to 41sqm (standard 50sqm). Although these provisions differ considerably from the standards, both above and below, they would allow for personal choice as to garden sizes and are not considered so deficient in the smaller cases as to warrant refusal. The larger garden sizes are mainly brought about by the need to provide sufficient distances between the proposed and existing dwellings or from trees.

Access and Parking

The site is in a reasonably sustainable location, being on a bus route and close to a local shopping parade and within walking and cycling distance of local primary and secondary schools. Secure covered storage for 20 bicycles applies under the standard; these are shown in the form of sheds within the individual plots.

The revised plans for 10 dwellings show a total of 18 car parking spaces (including 2 for visitors). This includes 8 in the form of open-fronted 'car barns' or pergola-style carports. Under the recently-revised residential West Sussex Parking Standards, the parking demand calculator requires 20 car parking spaces, including 2 unallocated. In this case, as stated by WSCC, there is on-street parking available in the locality which is likely to be able to cater for the 2-space shortfall in parking.

PPG13, even with the recent Government amendment, states that LPAs should "*not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls*". WSCC have stated they have no highway safety objection.

WSCC consider that the existing access is suitably located to provide the new access road into the development and have no objection subject to provision of 2.4m by 43m visibility splays on Busticle Lane. The proposed development would not obstruct visibility from the junction of West Street with Busticle Lane (which exceeds 2.4m by 100m).

Should permission be granted, under the adopted Revised West Sussex Parking Standards and Transport contributions Methodology, a section 106 Obligation may be needed in which the owner undertakes to pay a contribution towards the improvement of 'sustainable' transport facilities in the area, to discourage car usage and mitigate the travel demands associated with the proposal. In this case, the removal of the existing public house use needs to be taken into account and advice as to the final amount required is awaited from WSCC. The fire and rescue contribution of only £285 would not, of itself, warrant a section 106 Obligation.

Sustainable and Resource Efficient Buildings

The Design and Access Statement refers to the houses being built in accordance with the latest sustainable guidance, to Lifetime Homes standards, dramatically

reducing carbon emissions from the site. It states this could include photovoltaic panels on roofs, higher insulation values, low water consumption bathroom fittings, low energy lighting, external drying areas, and high efficiency electrical goods and gas boilers. It adds that sustainable drainage techniques will be used where practicable, including water butts in rear gardens to encourage re-use and provision of garden composters. In any event, the Building Regulations were amended in October 2010 to require construction, in terms of conservation of heat and energy, to a level equivalent to Code Level 3 of the Code for Sustainable Homes.

Recommendation

Subject to further advice awaited from WSCC as to the amount of any sustainable transport contribution and to consideration of the need for an associated section 106 Obligation, 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, AB23, AB25-27) and the South East Plan (SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2)

Subject to:-

1. C1A (Standard outline condition reserving details of landscaping for approval) (amended)
2. C1Bi (Standard outline time limit)
3. C7Cii (Details of walls/fences to be approved and implemented including any necessary repair of flint walls on boundaries) (amended)
4. C8Gii (Details of car parking and cycle parking to be approved, provided and retained)
5. C9G (Provision of visibility splays from access road junction) (amended)
6. C9Kii (The development hereby approved shall not be occupied until such time as the existing southern access onto Busticle Lane has been physically closed and the footway and kerbing reinstated in accordance with plans and details to be submitted to and approved in writing by the LPA) (amended)
7. C11A3 (Hard and soft landscaping scheme)
8. C12Aii (External materials for walls & roofs of buildings to be approved)
9. C17Dii (Protection of frontage dwellings from road noise) (amended)
10. C18K (Provision of waste storage)
11. C18N (Details of foul and surface water drainage to be approved and implemented)
12. This permission relates to the following plans:-
    5511 (Location Plan); 5511/01C (Site Layout); 5511/02A (Plots 1 & 2 Plans, sections and elevations); 5511/03A (Plots 3-6 Plans, sections and elevations); 5511/04B (Plots 7 Plans, sections and elevations); 5511/05B (Plots 8 Plans, sections and elevations); 5511/06B (Plots 9 & 10 Plans, sections and elevations); 5511/07A (Car Barns/ Car Port details); 5511/08B (Contextual Elevations and Site sections).

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Expiry Date - 25/05/2011

Case Officer Keith Morgan Date