Development Management - Delegated Officer Report

Application Number: AWDM/1651/17 Recommendation – Refuse

Site: Land North Of 1Swallows Close, Lancing

Proposal: Construction of 3 no. 3 bedroom, 3 storey terraced houses with integral garages.

Date of site visit: 10 November 2017

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The site formerly contained a 2 bedroom bungalow which was demolished in 2014 due to its poor state of repair. The site is located in the north west corner of Swallows Close and is the largest plot in the Close. No.3 Swallows Close is a chalet bungalow to the east, No. 1 Swallows Close is a bungalow to the south. There is an open field to the north and a 2 storey block of flats to the west.

The site is currently being used to store vehicles unlawfully and the Council has recently issued an enforcement notice requiring their removal.

Outline permission was granted early 2016 for the erection of a bungalow on the plot. Appearance and landscaping were reserved for future consideration but the submitted plans indicated a 4 bed T-shaped chalet bungalow located at the east side of the plot, 8.1m high.

This application seeks permission to construct a terrace of three dwellings, three storeys high with an integral garage and utility room on the ground floor, kitchen and lounge/dining room on the first floor and three bedrooms on the second floor. The buildings measure 9.83m high and are proposed to be orientated east-west on the site in a staggered terrace. Limited openings are provided on the front (east) elevations. The rear (west) elevation contains more openings, including patio doors leading to a first floor balcony on each dwelling. PV panels are proposed for the rear roofslope.

The houses have been designed to ensure that habitable accommodation is provided above the flood level at a height of 5.35mAOD.

Relevant site history

AWDM/1690/15 - Construction of 4 bedroom detached chalet style dwelling in place of previously demolished dwelling (outline application including details of access, layout and scale with all other matters reserved) – approved

AWDM/1604/16 - 2 no. 4 bedroom detached chalet style dwellings each with single garage to replace previously demolished dwelling - withdrawn

Consultations

West Sussex County Council: The **Highway** Officer has no objection subject to condition to secure car and cycle parking and a CMP. Advises that the site is located on Swallows Close which is a private road; consequently these comments are for advice only.

The proposed access into the site remains approximately 3 metres wide and would not allow for two cars to pass however the layout omits the 90 degree turn allowing for sufficient forward visibility. A car may be required to wait on Swallows Close to allow a car to exit the development but this is not anticipated to detrimentally impact on the nearby publically maintained highway (A259 Brighton Road).

The Application Form states that nine car parking spaces will be provided and six bicycle spaces. Whilst the plans do not show a detailed parking layout there does appear to be spaces for 1-2 vehicles on the frontage of each dwelling along with the integral garage space serving each. On this basis the WSCC Car Parking Demand Calculator envisions a total demand for 10 spaces. This shortfall in a single space is not anticipated to lead to a highway safety concern though the LPA may wish to assess this from an amenity point of view.

The LHA does not consider that the proposal for 3 x dwelling would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

Adur & Worthing Councils: The **Environmental Health** Officer has no objection.

The Engineer advises that there is no history of flooding at the site. There are no surface water sewers in the vicinity therefore soakaways/ sustainable drainage is appropriate.

If the density of building is considered acceptable, then can I ask that the developer be required to confirm there is room to site 6 no 1m cubed soakaways (minimum) on the development. The proposed location for the soakaway will need to be more than 5m from existing or new structures, until then I would like to raise a holding objection.

If the density is acceptable and the applicant can physically construct sufficient soakaways on site then, as with application AWDM/1690/15, there will need to be a soakage test undertaken at each location to ascertain if a soakaway will adequately empty.

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant has indicated his intention to utilize soakaways we request that should approval for this new build be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority.'

The **Waste and Refuse** Manager advises that no information has been provided concerning waste collections. Our preferred collection point would be at the front edge of the curtilage where the site meets Swallows Close outside number 1.

Environment Agency: No objection subject to condition that development is carried out in accordance with submitted FRA , i.e. finished first floor levels are set no lower than 5.355m AOD

Southern Water: Request informatives

Lancing Parish Council: Object. overdevelopment, not in keeping with the area, concerns relating to flooding.

Representations

8 letters of objection received from the occupiers of 5 Abinger Lodge; 445 Brighton Road; 1, 4, 5 Swallows Close and unspecified addresses:

- Overdevelopment
- Existing permission is for one chalet style dwelling only which would be in keeping
- Out of character, being 3 storeys high and terraced
- Will overshadow and overlook Abinger Lodge and other neighbouring dwellings
- Loss of light
- Soakaways for drainage will be inadequate as site is in a flood area, below sea level and the field to the north frequently floods
- Restricted access
- Private road would be damaged
- Increased traffic
- Could lead to parking on private road
- Increased flood risk
- Right of way crosses the site and is legally only access for 1 property
- Site is being used as a dumping ground
- Owner has removed fences and accessed site over private ground

Relevant Planning Policies

Adur Local Plan 2017 Policies 15, 20, 36
Supplementary Planning Guidance comprising: Development Management Standard No.2 ‘Space Around New Dwellings and Flats’
National Planning Policy Framework (March 2012)

Planning Assessment

Principle

The proposal would add to the housing stock, is located within the built up area and can be supported in principle. The relevant issues are the effects on

the amenities of neighbouring residential occupiers, the effect on the character and appearance of the site and its surroundings, parking/access and flood risk.

Visual amenity

The proposed dwellings would be 9.8m high and would form a terrace approximately 18m wide. In terms of scale, they would be taller than the 2 storey block of flats known as Abinger Lodge to the west of the site. They would also be substantially greater in scale than the predominant built form in Swallows Close and those in Orient Close to the north west, namely bungalows and chalet bungalows. The outline permission for a dwelling on the site specifies by condition that its height should be no more than 8.1m, which is 1.7m lower than the houses now proposed.

The design of the dwellings is also not considered to be sympathetic to the area, with their high eaves, shallow roof pitch and 3 storey form. The position and orientation of the buildings is also out of character and they will present a bland elevation to the south and east which does little to positively improve the quality of the built environment. There would be just 1m between the edge of the building and the northern boundary of the site which would leave no room for effective landscaping and would result in a stark and unsympathetic built form exposed to open views from the field to the north.

Paragraph 64 of the NPPF advises that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*." The buildings will be dominant and overbearing structures which would cause visual harm to the character and appearance of the area and which would outweigh any limited benefit associated with the proposal in terms of housing provision.

Residential amenity

The distance between the southernmost dwelling and Abinger Lodge to the west is 20m. The distance reduces further to just 18m for the middle unit. Supplementary Planning Guidance in the form of DM Standard No. 2 advises that "A distance of 22m is considered sufficient between 2 storey blocks of flats…..but in the case of three-storey houses or flats a distance of 28m would be required. Where a one or two-storey building backs onto a three-storey building a space of 28m would also be required. Higher buildings would need to be considered on their merits." (para 2.10).

The rear of the new dwellings contains balconies at first floor which will face towards Abinger Lodge but the wall of Abinger Lodge facing the site contains four windows which appear to be obscured. Loss of privacy is not anticipated therefore. Nevertheless, the form of the buildings and introduction of balconies is out of keeping with the area and will be intrusive.

To the east, a distance of just 10-14m will remain to the boundary with 3 Swallows Close. DM Standard No.2 advises

"*where principal windows on the rear of one dwelling face the side of*

another dwelling or block of flats (which does not contain principal windows), a distance of 11m is required from a single-storey dwelling or structure (such as a garage) and 14m from a two-storey dwelling or building. If the rear of a dwelling faces the side of a three storey block of flats (which does not contain principal windows), then a distance of 20m would be required, to avoid an overbearing effect and to ensure adequate outlook and daylight."

The proposed dwellings will have high level kitchen windows at first floor but larger bedroom windows at second floor level which will gain views towards the rear garden and conservatory of No.3. The height and width of the buildings, even with a staggered line, will be overbearing and unneighbourly, causing harm to the residential amenities of the occupiers of the adjoining bungalows in particular.

Access to the dwellings will run along the boundary with No.3 and it is likely that vehicular movements and other activity at the front of the proposed houses will have an adverse impact on the quiet enjoyment of No.3.

Overall, the proposed development would have an adverse impact on the residential amenities of the occupiers of 3 Swalllows Close.

Accessibility and parking

The houses will have ground floor integral garages and 9 parking spaces in total, although there is no parking layout included with the application. If 9 spaces can be provided, there will be a shortfall of 1 parking space from the 10 required by the WSCC car parking demand calculator. WSCC do not consider that such a shortfall will have a severe impact, particularly as Swallows Close is a private road. There may be an amenity impact as vehicles may overspill onto the private road but it is noted that bicycle storage is to be provided and the site is close to a bus stop. On balance, it is not considered that the development would lead to parking or access problems, provided the applicant can demonstrate that 3 parking spaces can be accommodated for each dwelling.

Flood Risk and Drainage

The site lies within Flood Zone 3 where there is a high probability of flooding. In order to overcome flood risk, the development does not include any living accommodation on the ground floor, with all habitable accommodation above 3.315m above ground level (5.355m above AOD and the 1 in 200 year flood level). On this basis, there is no objection to the development on flood risk grounds.

With regard to surface water drainage, the Council's Engineer has issued a holding objection and requested that the applicant demonstrates that they can physically construct sufficient soakaways on site and then carry out soakage tests to make sure that soakaways will drain water sufficiently from the site. This has not been pursued to date due to the other planning considerations making this development unacceptable.

Recommendation

REFUSE for the following reasons:

1. The proposal, by reason of its scale, form, design and height, would result in dominant and overbearing buildings which would be out of keeping with the prevailing character and form of development in the area to the detriment of the visual amenities of the locality. The proposal would therefore conflict with policies 15 and 20 of the Adur Local Plan 2017, DM Standard No.2 and the relevant paragraphs of the NPPF relating to good design.

2. The proposal, by reason of its height, bulk, scale, orientation and position on the site, would be a dominant and overbearing form of development, resulting in harm to the residential amenities of the neighbouring occupiers. The proposal would therefore conflict with policies 15 and 20 of the Adur Local Plan 2017, DM Standard No.2 and the relevant paragraphs of the NPPF relating to sustainable development.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Case Officer: Peter Barnett Date: 15 December 2017

Authorised by: Gary Peck Date: 15 December 2017