Expiry 21/5/07

Development Control – Delegated Officer Report

Application Number: ADC/0177/07 **Recommendation – Refuse Application**

Site: **Land Adjacent 2 Brighton Road Lancing West Sussex**

Proposal: **Detached four-bedroom three-storey dwelling house with 2 integral garages**

The Application

The application site is 14 metres wide and 25 metres deep and is located on the south side of the Brighton Road. The front part of the site is currently grassed and the rear of the site to the south merges with the beach. To the east of the site there is a single storey property with a space of 8.5 metres between the site and this property, shown in blue on the site plan. Beyond this property are a number of other detached dwellings of varying designs. To the west of the site continues a short undeveloped stretch of beach within which the site is located, with beach huts further to the west. To the north, on the opposite side of Brighton Road there is a 10-storey block of flats, Milford Court and adjacent to this to building to the east is Drumconner Rest Home.

Permission is sought to build a three storey dwelling 11.8 metres wide with a maximum depth of 6.6 metres. The maximum height of the building is 8.3 metres. The design of the building is described in the design and access statement as 'representing a modern interpretation of beachside living encompassing elements of art deco design and modern marine architecture.' The building is of a blocky design with a flat roof and has symmetrical front and rear elevations. White render is proposed with 'black, tinted, laminated glass' at first floor and second floor level. The design and access statement states that this glass will provide an element of privacy and will enhance the sound insulation through the window openings.

Two garages, a beach room, W.C and utility room are proposed at ground floor level. Three bedrooms, a living room, kitchen, bathroom and W.C are proposed at first floor with a rear balcony. A master bedroom, ensuite and roof terrace are proposed at second floor level.

Consultations and Representations

County Transport Planning Service: - No objection to the proposal however it is recommended that a single vehicular access is used and the length of the garages are considered as they do not appear deep enough to allow a car to enter and the door to be closed. It is also advised that a TAD contribution of £1,463 is required.

Environment Agency: - An objection is raised to the application as a flood risk assessment (FRA) has not been submitted which is contrary to the requirements of PPS25.

Director of Services: - Environmental Health object on the grounds that the site falls in an area where previous noise calculations have shown the area to be NEC 'C' in PPG24 ' new dwellings should not normally be allowed' The development also brings a dwelling close to the traffic lights and stationary traffic. This may form an air quality hotspot leading to an AQMA.

Third Parties: - 22 letters and emails received from local residents and a petition with 37 signatures, objecting to the development and raising the following issues: -

- Previous application refused at site further east in 2004, L/40/04/TP.
- Southern Water at present have access across the site to gain access to the rear of the existing properties.
- Not all residents of Milford Court received notification.
- Reduction in property value.
- Damage to property due to piling and construction on the shingle.
- The Environment Agency must have full access along the rear of the existing properties.
- The submitted drawings show the site outline to extend south, therefore is it the intension to privatise public land?
- Plans do not show dimensions of plot size and location related to the edge of the road and do not include dimensions of the intended structure including final limits of balconies.
- Reduction in access available for Southern Water.
- Location inappropriate for residential property due to heavy traffic, fumes, reduction of beach due to rising sea levels.
- Disruption during construction, traffic, highway hazards, pavement and cycle track not accessible.
- Building proposed is out of keeping with adjacent properties, in design, scale and height.

- There is an access ramp on this part of the beach for emergency vehicles.

- Sea defence work has been carried out on the beach therefore residential development which encroaches onto the beach could have disastrous and dangerous consequences.

- Development would add to beach erosion. Leaving existing properties vulnerable to erosion.

- Loss of a view is not a planning consideration but it is a consideration when assessing Council Tax rates.

- Loss of sea view

- Highway safety issues, additional access created onto Brighton Road.

- Pedestrian access along the beach should be maintained for walkers.

- Loss of amenity space this should be conserved. Loss of privacy when using the beach.

- Set a precedent for further development.

- A traffic camera has recently been installed at the site which would be costly to move.

In addition 3 letters have been received stating there are no objections to the proposal as it will improve this area which is otherwise very untidy looking.

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005): LOC1, NE2, NE3, CH1, ERA1, ERA4, ERA3, DEV1, DEV4, DEV5
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP3, AP8, AH2, AT12, AR2, AR12 and Appendix II 'Supplementary Planning Guidance' comprising: - Development Control No.2 'Space Around New Dwellings and Flats'
Adur Development Plan – Submission Core Strategy 2006-26 (ADC 2007): R1, H1, H3, T3, T4, ENV3, ENV4, ENV9
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPG17 'Planning for Open Space, sport and Recreation' (DTLR 2002)
PPG20 'Coastal Planning' (DoE 1992)
PPG24 'Planning and Noise' (DoE1994)
PPG25 'Development and Flood Risk' (DTLR 2001)

Planning Assessment

Policies

As set out in the Adur District Local Plan the frontage of the site to a depth of approximately 12 metres where the house itself is proposed is located within the built up area boundary. This area stretches westwards to the Worthing boundary, including the adjacent row of beach huts. Therefore in principle in the light of Policies AH1 and AH2 residential development by way of infilling is acceptable subject to the compliance with other Local Plan policies.

The rear of the site which is approximately 14 metres deep, where the rear garden of the property would be sited is shown in the Adur District Local Plan as forming part of the beach and is subject to Policies AR2 and AR12. Policy AR2 refers to recreational areas not owned by the Council and states that permission will not be granted for non-recreational uses of such areas and encouragement will be given to owners to make these areas available to the public to use as open space. The explanatory text states that these areas have for many years been accessible by the public and are an established resource in recreational terms and it is important that these areas are protected for such use. These points are also endorsed by Policy ENV9 of the Core Strategy which recognises the importance of the coast and beaches as natural assets. It states that public access to the coast will be improved and appropriate facilities that support the enjoyment of the coast and beaches will also be permitted.

Policy CH1 of the West Sussex Structure Plan states that development should not be permitted unless it maintains and, where possible, enhances the character, distinctiveness and sense of place of settlements and different area and features of the county which includes the coast. Policy ERA3 which specifically relates to the coast states that development should take into account amongst other things coastal processes, nature conservation and recreation. Its also states that development should be prevented on undeveloped coast which should be located inland or within built-up areas.

Policy DEV1 of the structure plan 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 AH2 of the Adur District Local Plan relates 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 (as required by AT12) and accordance with adopted standards (in this case the Council's DC Standard No. 2 'Space Around New Dwellings and Flats'.)

PPG20 'Coastal Planning' states that the coast can be broadly divided into 4 types – undeveloped coast specifically conserved for its landscape and nature conservation value; other undeveloped or partly developed coast; developed urbanised coast (which would include the Adur coastline); and despoiled coast. "Where the coastal zone is only a small part of the territory of an LPA it is reasonable to expect provision of land, for example, for housing and employment, to be made elsewhere in the district – thus in the coastal zone, development plan policies should normally not require a coastal location – therefore, whilst realistic provision should be made in development plans for the foreseeable development needs of an area, the coast, particularly the undeveloped parts, will seldom be the most appropriate location."

Planning History

An application was submitted in March 2004 for a three storey dwelling of a more traditional design. This building was proposed to the east of the application site (the area shown in blue on the site plan.) This application was refused due to the fact that the proposal would be sited on the undeveloped road frontage to the beach which would be detrimental to its character and would set a precedent for future development, the enclosure of recreational public open space, design, bulk and scale, impact on residential amenities and flood risk. This planning history is therefore a material consideration in this case.

Residential Amenity

Due to the space of 8.5 metres between No. 2 Brighton Road, the single storey dwelling to the east of the site it is not considered in this case that there will be any adverse impact on the residential amenities of the occupiers of this neighbouring property with regards to loss of privacy. There are no windows on the eastern elevation of the proposed dwelling that would overlook the adjacent property. There is however a rear balcony and roof terrace proposed and there may therefore be some overlooking to the rear terrace area of the adjacent property. However on balance it is considered that at a distance of 8.5 metres that this is acceptable in this case. It is however considered that there will be an impact on the main living room window which is located on the western elevation of the neighbouring property. The blank side elevation of the proposed three storey dwelling will be at a distance of only 8.5 metres (an improvement on the previous scheme where the building was only 2 metres

away.) However this is contrary to the Council's Design Standards which state that if a principal window faces a solid construction 2 storeys in height a distance of 14 metres is required between the buildings. This proposal therefore is contrary to the design standards and therefore contrary to part (c) of Policy AH2 of the Adur District Local Plan.

There is also an issue with regards to the residential amenities of the future occupiers of the proposed property. Environmental Health have objected to the application due to the noise levels from the adjacent road which according to PPG24 the level of noise is such that new dwellings should not normally be allowed. This combined with the close proximity if the traffic lights and stationary traffic which would result in very poor air quality would also be detrimental to the amenities of the future occupiers of this property. Therefore also contrary to part (d) of Policy AH2 of the Adur District Local Plan.

Visual Amenity and Character

The proposed design of the building is contemporary, a three storey building with a flat roof with glazing and render proposed for the elevations. It is considered that this large, blocky building is out of keeping with the character of the surrounding area. It would appear overly high and bulky in relation to the adjacent properties especially Nos. 2 and 4 Brighton Road. It would therefore detract from the visual amenities and character of the locality. Therefore contrary to Policy DEV1 of the West Sussex Structure Plan and part (a) of Policy AH2 of the Adur District Local Plan.

Parking and Access

Two accesses are proposed to the site from the A259 with parking and turning space on site and two garages. The Highways Authority have no objection to the proposal however would recommended that only one vehicular access is used and question whether the garages are deep enough to allow a car to enter and the door to be closed. These issues could be addressed, the garages could be increased in depth and/or used as carports.

Principle of Development

It is acknowledged that the frontage of the site is located within the built up area however it does not appear at the time of adopting the Local Plan that this undeveloped stretch of road frontage to the beach was intended for housing development. This short undeveloped stretch of land is considered to be a scare resource within the district, if permission were granted this would result in the loss of part of this undeveloped beach and would also set a precedent for further 'ribbon' development as far as the Worthing boundary. This undeveloped beach frontage is a valuable asset and should retained. It is a recreational area of benefit to a large number of people and is of significant public importance. The view is enjoyed by not only those who live opposite and adjacent to the site but also by road users and walkers. The development of this site would therefore be contrary to Policy AR2 of the Adur District Local Plan and Policy ENV9 of the Core Strategy.

It is not considered that there is a justifiable need for residential development of this site. There are other more suitable sites available within the district for residential infill and there is no need for this development to have a coastal location. The proposal is therefore contrary to PPG20 'Coastal Planning' and ERA3 of the West Sussex Structure Plan.

Flood Risk

The Environmental Agency are objecting to this proposal due to the lack of a flood risk assessment (FRA) being submitted with the application which is required in the light of PPS25. Having said this the site lies in an area of high flood risk however due to the precautionary approach to development in flood risk areas as set out in PPS25 the absence of a FRA is sufficient reason in itself for a refusal of planning permission in this case.

Having said this the previous application mentioned above L/40/04/TP was recommended for refusal due to the site being located in a high flood risk area however this application was considered against the requirements of PPG25 which has since been superseded by PPS25. Without the submission of a FRA the Environment Agency states that the flood risks resulting from the proposed development are therefore unknown. However this still remains a material consideration and should a FRA be submitted then further objections may be raised by the Environment Agency which would also warrant a refusal in this case.

Recommendation

REFUSE on grounds that :-

1. The proposed development of part of this undeveloped road frontage to the beach, which is an important local feature would not maintain or enhance the character and distinctiveness of this coastal locality and would set an undesirable precedent making it difficult to resist further development. It would therefore be contrary to policies CH1 and ERA 3 of the West Sussex Structure Plan.

2. The enclosure and use of the area of beach to the rear of the proposed house as residential curtilage would be contrary to Policy AR2 of the Adur District Local Plan which protects the area as part of a recreational public open space.

3. The occupiers of the proposed dwelling would be exposed to excessive levels of traffic noise and poor air quality, it is considered that there are other more appropriate sites available for residential development with the District. The proposal is therefore contrary to PPG 24 'Planning and Noise' and policy AH2 of the Adur District Local Plan.

4. B2R (Unsympathetic in design, etc to existing character of locality)

5. The proposal by reason of its size, scale, design and proximity to the adjacent dwelling would be detrimental to the residential amenities of this property resulting is loss of light and an overbearing impact which would be contrary to policy DEV1 of the West Sussex Structure Plan and policy AH2 of the Adur District Local Plan.

6. There is no evidence that the necessary contributions would be made to improvements to sustainable transport infrastructure to offset the effects of the travel and infrastructure demands generated by the proposed dwellings, as required by the West Sussex Transport Contributions Methodology and policies DEV3-5 of the West Sussex Structure Plan, AG3 of the Adur District Local Plan and T3 and C12 of the Adur Development Plan Submission Core Strategy.

7. D1R – PPS25

Case Officer..... J Barker ..... Date 27/4/07 27/4

Head of Planning and Community Peter Davies Date 30.4.07

Chair of Planning Committee..... A. J. Mills ..... Date 30/04/07