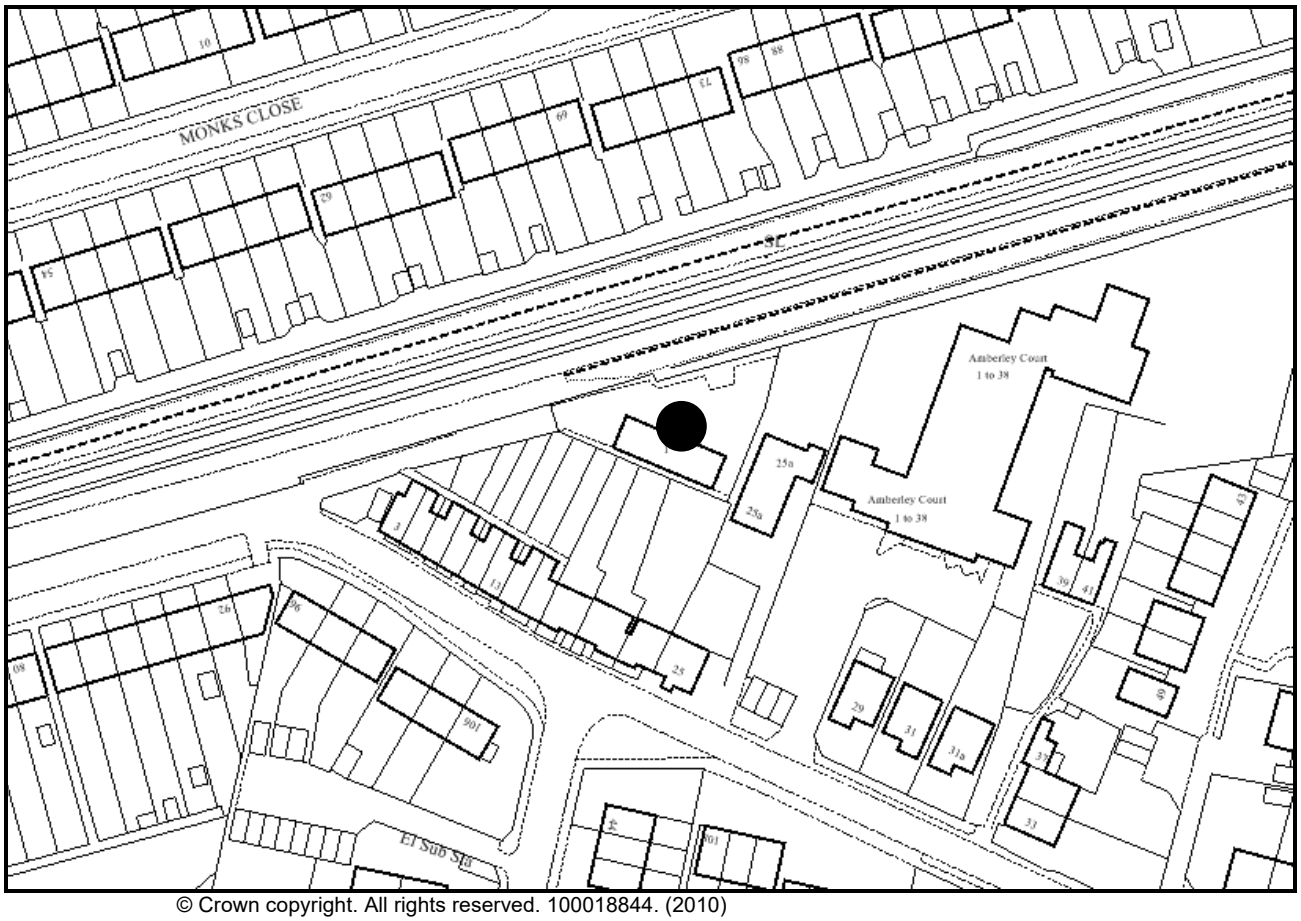
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Application Number: ADC/0229/10 Recommendation - APPROVE

Site: 1 Freshbrook Road, Lancing BN15 8DA

Proposal: Demolition of existing building and erection of 4 terraced houses (3 two-bedroom and 1 one-bedroom) (outline including details of access and layout)



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The Application

This is a totally revised proposal, for 4 houses with no car parking, following the Committee's refusal of the previous application for redevelopment with a building comprising 6 flats and 6 parking spaces (ADC/0437/09). The decision on the appeal against that decision is currently awaited. The grounds of refusal were:-

1. *The proposal, by reason of its large size and footprint, would constitute an overdevelopment of the site which would be out of scale with surrounding development and would give rise to an unacceptable standard of residential accommodation for future occupiers thereby conflicting with policy AH2 of the Adur District Local Plan.*
2. *The proposal, by reason of its large size and relationship to existing residential properties, would have an overbearing and detrimental impact on the residential amenities of the adjoining dwelling, thereby conflicting with policy AH2 of the Adur District Local Plan*.

The application site comprises the former storage/office building (6m wide by 18.3m long by 5.5m high) that was the subject of enforcement action requiring the cessation of its use as a recreational meeting place ('cannabis cafe') and the removal of concrete-filled tyres on posts and razor wire. The application is submitted by the new owner of the site.

It is a triangular-shaped 'backland' site behind the terrace of houses No's 3-25 Freshbrook Road. It adjoins the railway on its northern boundary and a detached bungalow (No.25A) on its eastern side, with the large Amberley Court block of 38 sheltered flats further to the east.

Access is currently by means of a 4m wide tarmac roadway (with kerbs and no verges) running from the bend in Freshbrook Road for 45m alongside the railway, adjacent to the end terraced house (No.3), before reaching the site itself. It is proposed to close this to vehicles by putting bollards on the edge of the highway.

The application is in outline but seeks approval of the access and layout of the development. Floor plans and illustrative elevations have also been submitted but approval is not sought for the scale and external appearance and a further reserved matters application would have to be made if outline permission were to be granted.

The plans show the proposed terrace situated along the south-west boundary of the site (with the rear gardens of the existing terraced houses), 1.5m from the boundary (no dimension stated). The whole building is rectangular in shape and 18.3m long and 10.3m wide (188sqm ground coverage) but no dimensions stated. It is shown with an illustrative height to ridge of 8.8m. This compares to 24m long and 10m wide (220sqm ground coverage) and 8.7m/6.8m ridge height with the previous proposal for 6 flats which was a much more irregularly-shaped building, at a different angle on the site. It is stated that the current proposal would be brickwork at groundfloor level with rendering above and a tiled roof.

The proposal has 2 floors of living accommodation above groundfloor ancillary storage space (with WC), and has a split-level design. The main access doors to each house would be on the south side (off a common raised pathway) giving access to a small hallway with disabled WC and to stairs leading to the upper floor levels. There would be rear gardens to the north east (for 3 houses) and north west (for the westernmost house), all adjoining the railway. Access to these gardens entails the provision of external stairs, 3 on the north-east elevation and one on the north-west side. On the first floor of each house would be a lounge/kitchen and a bathroom; on the second floor would be 2 bedrooms and a WC.

The flood risk assessment submitted by the applicant states that the level of the site was raised at the time the existing building was built to approximately 3.15mAOD. It is intended to raise the groundfloor entrance level to 3.67mAOD, making the living accommodation (the first floor) at the required 5.0mAOD.

Consultations and Representations

West Sussex County Council: No objection, subject to a condition requiring cycle parking and a section 106 Obligation requiring a sustainable transport contribution of £1,440. Comments that the proposal includes bollards across the access to prevent use by cars and provide only for pedestrians and emergency vehicles. Whilst the lack of off-street parking is not ideal, no highway objection is raised given the sustainable location within 400m of the station, but adds that the LPA may wish to consider the impact of additional on-street parking.

Adur District Council: The Environmental Health Officer has no objection, referring to his previous comment that calculations for similar sites show that the effect of railway noise within the houses would be acceptable (NEC 'B') provided the windows are suitably double-glazed and provided with acoustic trickle ventilation.
The Council's Waste Strategy Manager has no objection but points out that prospective residents would need to be aware of the requirement to present their waste and recycling bins (probably 240litre bins) at the roadside for collection on the allotted day.

Environment Agency: No objection provided a condition is imposed requiring the development to be carried out in accordance with the submitted Flood Risk Assessment (with the finished floor level of habitable accommodation set no lower than 5.0mAOD). Suggests that a planning condition requiring a flood warning and evacuation plan is also imposed but points out that the implications for emergency rescue are a matter for consultation with local authority emergency planners.

Network Rail: No objection subject to standard informatives regarding railway safeguarding.

Lancing Parish Council: In view of parking problems in area, restrictions should be placed to ensure that the access pathway is not used for parking as this would impede access by emergency vehicles.

Third Parties: 6 letters/emails of objection have been received, from the residents of the houses and bungalow at No's 3, 19, 21, 23 and 25A Freshbrook Road (one no number given), objecting on the following grounds:-

- the site is unsuitable for this proposal, 4 houses being overdevelopment of such a small plot of land;
- the height of the building (3 floors) would affect outlook from the terraced houses and cut out light as compared to the existing single-storey industrial building, including overshadowing the neighbouring bungalow at No.25A;
- overlooking of the rear of the houses (when windows are opened), taking away all privacy in the back gardens;
- the most appropriate use of the site is a small industrial unit, as it is very close to the railway;
- no parking provision; the increased strain on street parking would be a nuisance; all the nearby streets being crowded with parked cars during the evenings, nights and weekends;
- the lack of any parking provision smacks of desperation to develop the site at any cost with no consideration for the quality of life of the residents.
- no access/ poor access for emergency vehicles; questioned how access could be gained if there are bollards as proposed;
- constant disruption to No.3;
- Freshbrook Road has become much busier since the supermarket adjoining the station was occupied by ASDA.

Some residents have objected to the use of the narrow access road, referring to it being onto a blind bend on a busy and congested road, but the proposal includes blocking this access with bollards.

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993–2006 (ADC 1996) (saved policies): AG1, AH2 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)
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)
PPS1 ‘Delivering Sustainable Development (ODPM 2005)
PPS3 ‘Housing’ (DCLG 2006; amended 2010)
PPG13 ‘Transport’ (DTLR 2001)
PPS23 ‘Planning and Pollution Control’ (ODPM 2004)
PPG24 ‘Planning and Noise’ (DoE 1994)
PPS25 ‘Planning and Flood Risk’ (ODPM 2006) & Circular 04/07

Planning Assessment

Policies

The site is located within the built-up area of Lancing and is not identified for any particular use or development in the Local Plan. There is no policy specifically protecting the use of the site for business purposes although there are general policies encouraging mixed use development. In this instance, the re-use of the site for storage purposes, being the type of purpose for which the building was designed and originally permitted, has some potential to be unneighbourly because it directly adjoins a bungalow to the east and rear gardens of terraced houses to the south and adjoining the access lane. Consequently, it is considered that there is no objection in principle to redevelopment for wholly residential purposes. Residential infilling and redevelopment is needed in order to meet housing need.

Local Plan policy 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’.

PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities 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, scale and character

The proposed 4 houses on this site equate to a net density of 80 dwellings per hectare (dph) or 55dph if the long access is included. It compares with 75dph for the terraced houses at No's 3-17; 42dph for the larger terraced houses at No's 19-25; 16dph for the bungalow at No.25A and 100dph for the sheltered flats at Amberley Court. It greatly exceeds the now rescinded minimum density of 30dph in PPS3.

With regard to the impact of the scale of building proposed, it would have considerable mass in relationship to the existing 'backland' bungalow at No.25A which sits alongside it and which would, in effect, be 'sandwiched' between the proposed building and the larger Amberley Court to the east. The bungalow stands on low ground, about 3.5m from the side of the proposed building, and is a relatively long low-profile building with a ridge height of only 5.2m. Amberley Court reduces in height on its side closest to the bungalow. The illustrative elevations submitted with the present application show the proposed building having a gabled roof 8.8m high, which is 1.8m higher than the previously refused proposal for 6 flats (on the closest part). This means the difference in ridge heights between the bungalow and the proposed building would be about 4.3m. The height to the top of the monopitch roof of the existing building to be demolished is approximately 5.8m, being about 1.3m higher than the ridge of the bungalow.

At its opposite western end, the proposed building would occupy almost the full width of the site, being 4.2m wider than the existing building on the site (but positioned further away from the south boundary) and the same length as the existing building (as shown on the floor plan). In the absence of any accurate site survey, the exact dimensions cannot be ascertained but, on the basis of the submitted plans, the corners of the proposed building would appear to leave only a narrow gap from both the northern and southern site boundaries of no more than 1.5m in either case. Only a narrow alleyway would be provided along the south side to the front door of each house, squeezed between the existing rear garden fences and the face of the building. On the opposite side of the terrace, the gardens would occupy an awkwardly-shaped triangular area which does not lend itself to subdivision into separate gardens.

However, the applicant has stated that he will amend the plans to provide more space around the building, changing the westernmost house to a smaller one-bedroom unit and setting the building further back from the southern boundary (by 3m instead of the 1.5m shown). Subject to the site dimensions being provided and shown to be adequate and to appropriate amendment of the plans, it is considered that a more pleasant environment can be achieved.

Residential amenity – effect on existing dwellings

With regard to the effect on No.25A Freshbrook Road, the bungalow to the east, the siting of the proposed building is 3.5m away at its closest side (the same as the existing building and compared with 2.5m with the previously-refused 6 flats). The bungalow, on its west-facing side elevation, has only one side window and rooflight to a bedroom, plus a high level window in the side of the lounge. There would be some loss of light but it is not considered that the effect would be so adverse as to warrant refusal. Even with the amendment to siting now proposed, the new building

would not project northwards beyond the rear (north) wall of the bungalow which was a problem with the previously-refused proposal for 6 flats.

In respect of the relationship to the terraced houses on the road frontage, the proposed building would be situated to the rear of 3 of these houses (No's 17, 19 & 21 Freshbrook Road). These houses have long rear gardens and the proposed building would be 25m away at its closest. This compares with the Council's minimum standard of 22m for houses of up to 2 storeys which back onto each other and 28m for three-storey houses. This distance is required mainly in order to give adequate privacy between facing principal windows. In the instance of this case, because the proposed building is only about 1.5m from the boundary with the end of the rear gardens of the houses, the applicant has shown on the illustrative elevations the building designed with only obscure-glazed WC windows and high level bathroom windows in its facing elevation, with rooflights (minimum 1.7m above floor level) and solid groundfloor front doors . Consequently, overlooking from the building would not be a problem. It does result in a rather blank and unattractive elevation facing the back of the existing houses, which has greater mass than the previously-refused block of 6 flats, but it is not considered that this warrants refusal.

A higher boundary fence would be needed along the south boundary in order to prevent overlooking of the rear gardens of the houses from the proposed raised pathway (disabled ramp) to the front (south) doors.

Residential amenity – proposed dwellings

Apart from the end house, which would have a north-westerly aspect, the proposed houses would have a mainly north-easterly aspect. In every case, they would face obliquely towards the railway, the boundary of which is only about 5m away from the nearest windows of the two westernmost houses and 10m-14m from the two easternmost houses.

The railway would clearly have an adverse effect on the proposed houses but the EHO advises that the noise level (owing to the trains being intermittent, rather than continuous) is not so serious as to justify refusal having regard to the requirements of PPG24. Previous calculations for similar sites show that the effect of railway noise within the dwellings could be kept to an acceptable level provided the windows are suitably double-glazed and provided with acoustic trickle ventilation.

As to the submitted floor plans, these show the houses each have a gross internal floor area of 87sqm (114sqm including storage area with 1.7m headroom). This exceeds the minimum standard of 77sqm contained in the Council's recently-adopted 'Good Practice Guidance Note: Internal Space Standards for New Homes'. The living/cookiing/eating area of each house is 27sqm (as compared to the minimum standard of 27sqm); the sleeping area is 27sqm (min standard 24sqm) and the storage space is 30sqm (min standard 3.75sqm).

As the accommodation is raised up 2m above ground level, it would have a reasonably open outlook, albeit fairly unattractive, over the railway to the rear gardens opposite.

Externally, none of the houses have any front garden space. 3 houses have their gardens are at the rear and the westernmost house has its garden at the side. The garden areas shown range from approximately 50sqm to 65sqm as compared to the Council's minimum standard of 50sqm. They are unevenly shaped and their lengths range from about 5.5m to about 13m as compared to a minimum standard of 11m.

As stated earlier, as shown on the submitted plan, the proposed building at its western end would occupy almost the whole width of the site, leaving only narrow gaps from both the northern and southern site boundaries and providing only a narrow alleyway (25m long and 1.5m wide) along the south side to the front door of each house. This is squeezed between the existing rear garden fences and the face of the building. It would create a very cramped main approach which, apart from being very unattractive, also gives rise to concerns about practicality for delivery of larger items or access in emergencies. Amended plans and accurate site dimensions are awaited from the applicant to amend the siting to provide more space on the south side (3m wide instead of 1.5m), reduce the size of the westernmost house to a one-bedroom unit, and reconfigure the rear garden subdivision.

Access and parking

The access has restricted visibility to the east caused by the 1.5m high timber fence and hedge on the front boundary of No.3 Freshbrook Road. It is possible with care to pull out far enough to see traffic approaching from the east without causing significant danger and WSCC did not raise previous objection. There would be some limited benefit to highway safety if the access is closed to vehicles (except in emergencies) as proposed by the applicant. Deliveries to the proposed houses may result in larger vehicles pulling up on the bend to unload, ignoring the double yellow lines, but this would not be a reason to justify refusal.

The site is in a relatively sustainable location, being fairly close to facilities in central Lancing and to public transport links. It is only 450m east of the station. Under the adopted West Sussex Parking Standard, a maximum of 8 car parking spaces would be required plus secure covered storage for 8 bicycles. However, WSCC raise no objection to the application having regard to its relatively central land easily-accessible location but add the comment that the LPA may wish to consider the impact of additional on-street parking. No sustainable transport contribution is required because of the removal of the on-site parking space plus the removal of the existing building and business use.

In this case, there is already a considerable amount of on-street parking arising largely from the existing terraced houses in the area many of which have no on-site parking. This parking congestion is worst in the evenings/nights and at weekends. Nevertheless, it would be difficult to justify refusal, in the absence of any objection from WSCC, to the limited degree of further congestion likely to be caused by the additional parking demand generated by 4 two-bedroom houses. PPG13 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*".

Waste/refuse collection is a concern as the accessway is 45m long. The access road would need to be retained for emergency use and it has no verge on which to locate a bin store at its edge. This means that bins would need to be wheeled a distance of 50m-80m to the roadside for collection. The inconvenience of this clearly runs the risk that bins would be left at the roadside more permanently but it is not considered this is sufficient reason to refuse the application. The applicant states that refuse collection would be carried out by a private contractor from within the site, but there is no planning control over this and residents might not wish to pay the cost of such a service.

Flood Risk

The site lies within Flood zone 3A on the Adur & Worthing Strategic Flood Risk Assessment, although it is very close to the edge of this zone. Freshbrook Road and the terraced houses are outside the flood risk area but the land slopes down slightly at the rear so that much of their rear gardens and also the bungalow at No.25A and Amberley Court are within the flood risk area.

As to safe access and egress, the Environment Agency (EA) previously stated this is not achievable for the lifetime of the development (100 years) but that the latest data indicated potential flood depths of only 0.3m at the exit from the site in the 1 in 200 year flood event, which is in line with DEFRA and EA guidance. Also, there are plans by the EA to improve the flood defences on the west bank of the river Adur which would be completed by the time the sea level rise would pose a risk to safe dry access to this site.

The flood risk assessment submitted by the applicant states that the level of the site (approx 3.15mAOD), which was raised at the time the existing building was built, is 0.45m lower than Freshbrook Road (3.6mAOD). It is stated that it is intended to raise the entrance level to 3.67mAOD with the living accommodation at 5.0mAOD which is above the level required for the predicted 1 in 200 year flood event. The Environment Agency state that it is essential that a condition is imposed requiring the habitable floor level to be at least 5.0mAOD and they also recommend that a planning condition requiring a flood warning and evacuation plan is also imposed.

Ground contamination

The past uses of the site for storage purposes may mean that there is some contamination present. The Environment Agency have no objection provided a condition is imposed requiring ground contamination investigation, remediation, monitoring and verification.

Recommendation

Subject to receipt of satisfactory amended site layout plans (based on accurate site dimensions) and illustrative elevations showing a reduction in the size of the building (with amendment of the westernmost house to a one-bedroom dwelling) and re-siting of the building 3m from the southern boundary (and to re-notification of the resident of No.25A Freshbrook Rd and consideration of any representations received), 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 provide a satisfactory environment for the occupiers subject to sufficient measures to protect against railway noise and flood risk. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2) and PPS25.

Subject to:-

1. C1A (Standard outline condition reserving details of scale, appearance and landscaping) (amended)
2. C1Bi (Standard outline time limit)

3. C14A3 (Permission relates to application as amended by revised layout plans) (amended)
4. C7Ci (Details of boundary walls/fences to be approved and implemented)
5. C8Biv (Pedestrian and cycle access facilities and cycle storage to be constructed and retained) (amended)
6. C9N (Temporary provision for contractors' vehicles, materials, etc on the site)
7. C12Aii (Schedule and samples of external materials to be approved)
8. C17Dii (Details of measures to protect against railway noise)
9. C18A (Floor level of habitable accommodation to be set no lower than 5.0mAOD) (amended)
10. C18Cii (Glazing in southwest elevation not to be less than 1.7m above floor level or to have obscured glass) (amended)
11. C18K (Provision of bin store) (amended)
12. C18Rii (Investigation and remediation of contamination) (amended)
13. Closure of access to Freshbrook Rd to vehicles in accordance with details to be submitted and approved, including bollards (amended)

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