Land adjoining 2 Brighton Road

Planning objection – 3 July 2023

AWDM/0813/23

We are the owners of 4 Brighton Road, Lancing BN15 8RH.

From the documents associated with this application, we note that the response from Lancing Parish Council suggests that the application has been withdrawn. It is not clear to us from your website why that suggestion has been made, so we feel we have no choice but to make this submission now, in haste, in case the application remains live.

Given the very short period of time it appears is available to us to prepare this submission, we have to reserve our position generally in relation to the application and to make supplemental submissions if other relevant matters need to be put to you.

Consultation

We say "in haste" in the previous section because we have only very recently become aware of application AWDM/0813/23. Noting the list of neighbours notified, our property does not appear. We do not understand why it was omitted. The drawings and other documents submitted with the application show our building and, in some respects, rely on its features in support. It was and is clearly going to be affected by the development proposed.

Further on the question of consultation, we note that it does not appear that the Environment Agency (EA) has been consulted on the application. We can see that some input was sought of it in advance of the application being made as there is some limited material from the EA with the Flood Risk Assessment (at Appendix F) submitted with the application. It is acknowledged by the EA that it has assumed responsibility for the maintenance of the beach adjoining the application site. The EA should be consulted as an entity which will (or might) be impacted by the development proposed because it could make more onerous those obligations (at present the site is undeveloped, but a developed site will or might require different protection considerations and actions than now current). Indeed, we note that the EA itself has encouraged early, specific engagement with it about the site and the impacts it will have as they would concern the EA.

Amenity considerations

While No.2 Brighton Road sits between us and the application site, the mass/bulk of the proposed development will, or could, have an impact on the amenity of No.4 Brighton Road, which in some possible respects could be substantial.

Sunlight and light more generally

As the sun moves in the sky to the West as the days/evenings progress and some of our South facing terrace falls into the shadow of our building, there remains good sunlight to the Western end of the terrace despite the presence and proximity of the building at No.2 Brighton Road. It is clear such sunlight/light will be diminished if the development were to be constructed as proposed. This is self-evident from the drawings shown on drawing 0640.PL.003 Rev A (note the side (East) elevation in particular). Direct sunlight/light to our property will be diminished and reduce the amenity to it.

We make the “sunlight” points in addition to other light points which arise. There are three windows in the West elevation of our property, two at first floor level and one at ground floor level (near the south-west corner of the building) all with clear glazing. While we can see that those at first floor level might not be impacted in light terms (but make no formal concession in that respect), that at ground floor seems likely to be. These are not simply real estate considerations (about which we can take separate action if required); they are planning-relevant amenity considerations as well.

Vistas

Despite the description of the proposed development in the statement accompanying the application, it is clear from drawing 0640.PL.003 Rev A that the structure, if constructed, will have a negative impact on the vistas from our property at all levels, but particularly its terrace, the land beach-side and the first-floor bathroom window, reducing its amenity. Consequently, we disagree with the first bullet point made at 6.16 of the Planning Statement accompanying the application – it will be overbearing and more.

Overlooking/privacy

We agree that, on the basis of the drawings accompanying the application when made, there does not appear to be windows or terraces to the East, South-Eastern elements of the development proposed. For the reasons noted elsewhere in this submission, we consider the application be refused. However, and without prejudice to that, if the application (in the current or revised form) were to be considered for approval, there should be imposed clear conditions to prevent the formation (at the time of development or by way of any later construction/alteration) of any windows, apertures, terraces or balconies which could be a source of overlooking or loss of privacy to our property at No.4 Brighton Road.

Physical amenity impacts

As acknowledged in the application documents, the site is currently undeveloped (it never has been, as far as we are aware) and is of a typical coastal margin nature. Whatever sea defences might currently exist, at best they will be in wood. There will not be a sea wall of the nature some of the properties to the East benefit from. While the construction of flood defences is contemplated, there is no mention in the application of the nature, scope and extent of the sub-ground works which will have to be undertaken so as to provide adequate long-term foundation support for a structure of the size and inevitable weight of that proposed. The application site is currently formed of what is very likely unstable material within the depth to which ground works will have to be undertaken. It is entirely foreseeable that permitting a development of the size and weight of that proposed will likely permit damage to be caused to nearby structures and buildings by vibration and/or loss of support. No engineering reports have been submitted at all (as far as we are aware) and none relevant to the particular site. Damage of the character which could be caused will quite clearly negatively affect the amenity of the properties affected.

<u>Other planning considerations</u>

Flood related matters

We repeat the points made above under the “Consultation” heading regarding the need for more detailed and specific engagement with the EA, both now ahead of the application being considered and, if permission were to be considered, as a condition before any work were to commence pursuant to it.

Traffic/highway/noise matters

A transport report has been submitted with the application. It is supportive for reasons we understand. It does not, however, deal with two matters.

The pavement in front of the site is a shared foot- and cycle path. The Highway Authority response to consultation (27 June 2023) does not make any significant comment, but does require certain matters to be attended to as conditions of development. But it does not seem to have properly focussed on the sight lines from the proposed car parking spaces in the context of cyclists. While not experts we can see that those to the East may be adequate to enable drivers to acquire early enough warning of approaching cyclists (even if the vehicle is being reversed out of the space), that to the West would appear to be hindered by the proposed location of the bike shed (see drawing 0640.PL.001 Rev B).

The development if carried out will require at times significant construction traffic and will likely require highway excavation to make the proposed sewer connection. If development is permitted, there should be a suitable condition to prevent work unless and until a traffic management plan has been submitted, consulted on and then, if appropriate, approved.

We observe that the Environmental Health response to consultation makes observations similar to their objection to the refused application made in 2007 (ADC/0177/07), requiring certain matters to be attended to.

The principle of development

The Planning Statement accompanying the application states at 6.3: "The new dwelling will sit at the end of an existing row of private residential dwellings along Lancing beachfront. The development is therefore in keeping with the residential character of the area." With respect to the author, that is somewhat disingenuous. While the first sentence is strictly correct, the site has never been developed on and, save for some beach huts, there is no development to the West until one reaches Worthing. That is a highly material issue, militating against granting permission for the application.

Also disingenuous are the references at 6.4 of the Planning Statement to the dwellings further to the East along Brighton Road. As other consultation responses have noted, those dwellings were constructed on the site of previous buildings. Those sites therefore were quite different to the application site.

The Local Plan (2017) in particular and the National Planning Policy Framework emphasise the need to preserve and maintain the coastal waterfront or margin. There may not yet be in place any Green Gaps of the sort contemplated by the Local Plan, the application site and the land to the West of it seems to be precisely the sort of land to be protected in the manner the Local Plan contemplates.

While the Local Plan and policies to be considered at the time application ADC/0177/07 was made were different to those in place now, the principles of the conclusions made in the Delegated Officer's Report in April 2007 are still relevant on the matter of principle of development and the closely related matter (in this respect) of visual amenity and character.

Other

We do not in this submission make any observations on public or other rights which may exist in relation to the application site (e.g. public rights of way) save to note that, if the proposed development were permitted, the public amenity benefit would or could be adversely impacted.

Conclusion

We have known the applicant(s) for a very long time. They are close personal friends. So it is with great reluctance that we reach the conclusion we do, but it seems to us that the application as made should be refused. Without prejudice to that, even it is to be considered for permission, for reasons noted above, there will need to be in place tight, enforceable pre-works conditions as to a range of matters about which there would need to be further consultation, consideration and, if appropriate, approval.

Jason & Francesca Hunter