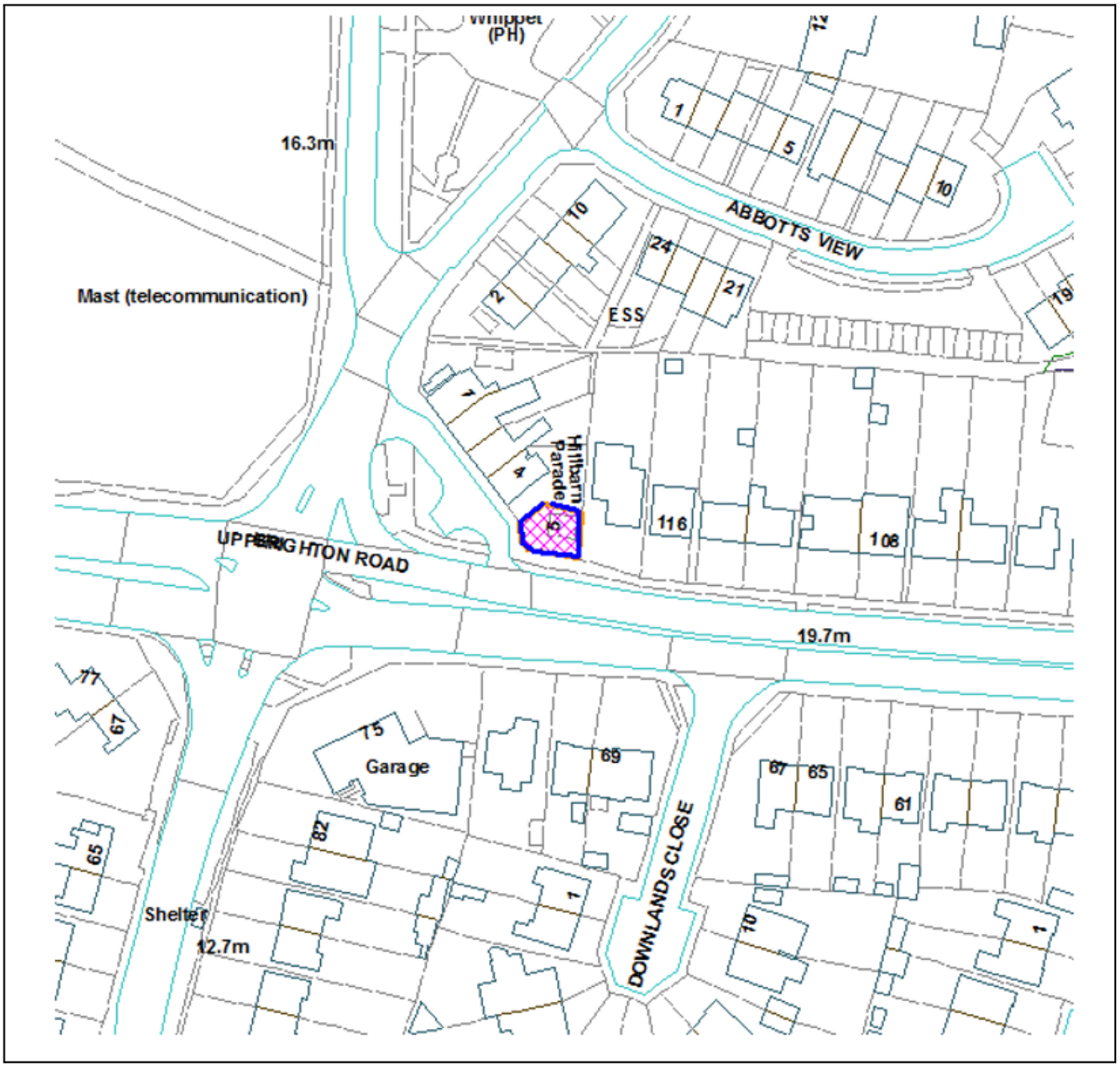
Application Number:	**AWDM/1069/24**	**Recommendation - REFUSE**
Site:	**5 Hillbarn Parade, Sompting**	
Proposal:	**Demolition of single storey storage building (Class B8) (Retrospective) and construction of a brick-built studio bungalow (Class C3)**	
Applicant:	Mr M Steele	Ward: Cokeham
Agent:	Mr C Geddes	
Case Officer:	M. O'Keeffe	



Not to Scale

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Proposal, Site and Surroundings

This application relates to the site of a former single storey plumbing business store at the eastern end of Hillbarn Parade and immediately abutting the northern carriageway of the A27 east of the junction with Halewick Lane. The site is fenced on all sides with a double gate onto the Parade.

The former store was demolished and a new modular building erected in September/October 2020, without planning permission. It was investigated by enforcement officers, which established that the business use remained, including related signage

Further complaints were received earlier this year and the site was reinvestigated. At this point it was evident that the building was now in residential use. An application to retain this residential 'studio' was submitted. This was refused in August of this year for the following reason:

The development is exposed to excessive levels of noise which could only be mitigated by non-openable windows and the use of mechanical ventilation at all times of the day and night resulting in a poor design and a poor quality living environment detrimental to occupiers living conditions contrary to policies 15 and 34 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework and NPPG.

It is now proposed to replace the modular building and the unlawful studio use with a brick building with the same footprint. Other differences include the inclusion of openable windows on the north elevation and non openable rooflights. Non-openable windows remain on the south and west elevations towards the A27.

Again the proposed studio would include a single room with a kitchen in one corner with double entrance doors and a window facing west. There is a shower/WC room at the back also with a south facing window.

The building measures 7.3 metres x 6.7 metres and has a pitched roof with an eaves height of 2.65 metres and a maximum ridge height of 3.5 metres. These measurements are 1.47 metres longer, 1.4 metres wider and 1.32 metres higher than the former plumber's store. Proposed materials are red brick, a tiled roof and grey/black uPVC windows and door. Behind the gates is a single parking space and approximately 20 square metres of patio in front of the entrance steps.

The site is not in a conservation area and there are no trees on the site. It is situated in a designated Local Shopping Parade. Two separate applications for a chalet bungalow on this site were refused in 2007.

Councillor Mansfield has called this application into committee on the grounds that it is not a suitable site for a dwelling and was formerly in commercial use.

Relevant Planning History

AWDM/0705/24 - Demolition of single storey storage building (Class B8) and construction of a studio bungalow (Class C3) (Retrospective). Refused Aug 2024

ADC/0465/07 - Detached chalet style bungalow. Refused
(reasons referred to overdevelopment, incompatible with and detrimental to the character of the area and due to noise exposure)

ADC/140/07 Detached chalet style bungalow. Refused

S/24/91/TP - Prefabricated Plumbers store. Granted

S/3/83/TP - Change of use of land to garden centre and erection of shop and conservatory. Refused

Consultations

West Sussex County Council Highways: No objection, subject to condition to secure cycle parking.

Comment that the site is served by an existing dropped kerb access on Hillbarn Parade, and no alterations are proposed to this arrangement. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Hillbarn Parade. In addition, the proposals are not anticipated to give rise to a material intensification of movements to or from the site.

One car parking space is proposed to serve the site. The parking bay has been drawn to Manual for Streets (MfS) specifications and is therefore suitably sized. On-site turning does not appear achievable, so a car may have to exit the site in a reverse gear. However, this would not be anticipated to give rise to a severe highway safety concern in this location.

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require two car parking spaces. Therefore, any overspill parking associated with this development would have to be accommodated on-street. There are parking restrictions located nearby that prohibit parking in places that would be detrimental to highway safety. The LHA does not anticipate that the shortfall of one parking space would lead to a highway safety concern or parking capacity issue, but the LPA may wish to consider the potential amenity impacts.

Regarding cycle parking, whilst not demonstrated in the plans, the Application Form states that one cycle parking space is proposed. The LHA would request that secure and covered cycle parking provision for at least one bicycle be provided for this development in accordance with WSCC Parking Standards.

Adur & Worthing Councils:

The **Environmental Health** officer:

1. Following completion of construction, a test shall be undertaken to confirm that the attenuation measures detailed in the Noise Impact Assessment dated 15 August 2024 (ref. 30183_NIA2) achieve the internal sound level targets contained in section 3.2 of the assessment. Should this test show that the targets have not been achieved, a further scheme of attenuation works capable of achieving the criteria shall be submitted to and agreed by the Local Planning Authority and completed within 3 months of the installation and thereafter retained.

2. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours

Officer's comment:

Should the test fail, 'a further scheme of attenuation' could include reliance upon non-openable windows and mechanical ventilation or even an acoustic fence, though site constraints may prevent the latter.

Southern Water: Comments
The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The proposed rainwater harvesting system should be designed, installed and maintained to current British Standards to ensure that measures are in place to protect the public water supply and avoid cross contamination.

Council's Drainage consultants - WSP: No objection.
Informative recommended advising that this site is adjacent to a high risk area for surface water flooding and the applicant should consider creating an emergency plan to ensure safe access and egress routes can be achieved.

Sompting Parish Council: previous comment - No objection
but would request that proof be sought that the retaining wall to garden is sufficient to hold back the huge area of land behind it.

Representations

No neighbour comments received.

Councillor Bellasis has objected:

'I do not believe this is a suitable site for a residential property. It is a very small area, not suitable for habitation that would result in very little space for garden / green space. It is next to the commercial waste bins for the parade. It is very close to the

A27 junction with Halewick Lane, which puts it at risk of vehicle pollution. Idling engines of vehicles waiting at traffic signals, and revving engines as they pull away at speed. I am not sure that the property will be within the building line of neighbouring properties and the parade of shops on Hillbarn Parade. I fear that one day it could be sold and used by more than one person and maybe even with children.'

Relevant Planning Policies and Guidance
Adur Local Plan 2017 policies 1, 2, 3, 10, 15, 18, 25, 27, 28, 34 and 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Demonstrating Genuine Redundancy of Employment Sites (ADC 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (December 2023)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

Housing Supply

The following paragraphs consider housing supply and its relevance to the current application. In summary, national policy guidance attaches a presumption in favour of applications for new housing, where housing supply is below measured need.

The Adur Local Plan was adopted on 14th December 2017. Policy 3 sets out the Housing supply over the period 2011-2032 and gives a total figure of 3718 (an annual target of 177 dwellings per annum).

Paragraph 76 of the National Planning Policy Framework 2023 (NPPF) states:

"Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of

housing for decision making purposes if the following criteria are met:

a) their adopted plan is less than five years old; and

b) that adopted plan identified at least a five year supply of specific, deliverable

sites at the time that its examination concluded".

Paragraph 77 goes on to state:

"In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply (those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need).

The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

The five year housing land supply position for the Adur Local Plan area, measured against the 2023 Standard Methodology figure for Adur of 448 dwellings per annum, and incorporating a 20% buffer as a result of the Housing Delivery Test 2022 measurement for Adur, demonstrates a 3.5 year supply of deliverable land as at 1st April 2023. (The Housing Delivery Test 2022, published December 2023, indicates that Adur delivered 72% of its requirement, and so a 20% buffer has been applied.)

The relevance of housing supply information is that it is currently below the five year and 20% buffer rate. Therefore, para 11 of the NPPF applies a presumption in favour of applications for sustainable development.

This presumption is a qualified one, it states that permission should be granted unless one or both of two given criteria are met. Criterion (ii) states: '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

The impacts are assessed in the sections below, including the suitability of the site for residential use in terms of noise and air quality, the quality of accommodation and the effects on neighbour amenity, character and appearance of the dwelling and highway safety and the loss of the former commercial store/employment use. Also of relevance is the refusal in August of the application for retention of the residential studio use in the existing modular building.

Visual Amenity & Character

Prior to the Autumn of 2020 the site contained a simple timber shed with corrugated roof and included advertising for a drainage company (photo below). It was fenced and included what appears to be commercial storage in the forecourt area.



The current unlawful modular bungalow is larger. It is 1.47 metres longer, 1.4 metres wider and 1.32 metres higher to the apex. It is more apparent in the streetscene but, given a significant drop in ground level between the site and No. 118 Upper Brighton Road as well as tree screening inside No. 118's boundary, it is not readily visible from the south or the east. On approach from the west it can be seen above the fence line.



Its modular appearance is not immediately domestic in character, by comparison with neighbouring and nearby dwellings; it has the character of a subsidiary building. It does sit forward of the Upper Brighton Road building line and the Hillbarn Parade building line but it is not considered that significant visual harm is being caused.

In comparison, the proposed replacement building is of brick construction and would be a more permanent structure. The use of traditional materials would give it more of a domestic-bungalow appearance and not the subsidiary character of the existing. As such it is also likely to assume a greater presence in the street scene. The poor compatibility between the proposed dwelling on its small parcel of land would become more evident. By contrast with neighbouring bungalows, which sit in much larger plots with larger gardens, set further back from the road, the proposal would appear cramped and incongruous, out of keeping with the general pattern of development locally.

Residential amenity - for proposed dwelling.

The proposed dwelling would have a floor area of approximately 39 sqm and therefore meets the minimum floorspace standard of 37sqm for a 1 person single storey studio unit with shower room. It has a single car parking space and outside west facing amenity space of approximately 20sqm.

The adopted SPG Development Management Standard No.1 'Space Around New Dwellings and Flats' contains no specific garden space area for a unit such as this. The smallest garden of 50sqm is attributed to a new-build 2 bed terraced house.

In the circumstances the proposal does not fall contrary to standards for external space. However, unlike neighbouring dwellings, which have rear gardens away from the road, the proposal is a very small area close to the road and traffic noise, which is considered unsatisfactory in terms of outdoor amenity. This is considered in the Noise section below.

Noise

Adur Local Plan policy 34 states:

'New development in Adur will be located in areas most suitable to the use of that development to avoid risks from noise, air, odour or light pollution. Where there are significant levels of increased pollution that cannot be mitigated, development will be refused. Where appropriate, air quality assessments and/or noise assessments will be required in conjunction with development proposals.'

In the previous application AWDM/0705/24, the submitted noise assessment concluded that internal noise levels with windows open would exceed those specified in the national standard BS8233:2014. Therefore the applicant's proposed mitigation was to keep windows closed at all times and install mechanical ventilation. This was not considered to be a reasonable solution and this contributed to the refusal of that application due to the site's exposure to excessive noise.

This latest application is for a more substantial brick building which includes openable windows on the north side, facing away from the A27. The Noise Impact

Assessment (section 5.3) submitted this time refers to these windows as follows:

"Windows Open: The proposed windows are innovative, high performance acoustic openable windows. In effect, they are two separate window units with a plenum in between them. The opening follows a labyrinth air path, which reduces noise as it travels from the outside to the inside, while allowing air to pass through. These windows are available from Acoustic Facades, and our calculations have been based on independent UKAS-accredited laboratory test data on their specific products in the open position."

The submitted information indicates that the windows would meet predicted noise level targets for open windows. The Council's Environmental Health officer has accepted the details on face value but requires that on completion of the development and prior to occupation *'a test to be undertaken to confirm that the attenuation measures detailed in the Noise Impact Assessment dated 15 August 2024 (ref. 30183_NIA2) achieve the internal sound level targets contained in section 3.2 of the assessment. Should this test show that the targets have not been achieved, a further scheme of attenuation works capable of achieving the criteria shall be submitted to and agreed by the Local Planning Authority and completed within 3 months of the installation and thereafter retained.'*

It would appear therefore that even with the openable windows proposed, there is no certainty that this will achieve both adequate ventilation and internal noise levels. There is concern that this may not be achieved and alternative means of securing suitable internal levels may again be necessary, such as non-openable windows and mechanical ventilation.

Furthermore, even if the proposed windows were found to deliver ventilation and acceptable internal noise level, they would be concentrated in the north elevation, but all other windows to habitable space would have to remain closed. In addition the outlook from the proposed openable windows is across the neighbouring shop's yard, including bins, and the first floor flat's amenity space. This contrivance to attempt to satisfy the refusal on noise grounds further points to the inappropriateness of this cramped site for residential purposes.

A recent appeal decision in Aldingbourne also for housing development alongside the A27, (Reference APP/C3810/W/23/3318827), includes the following paragraphs regarding noise:

1. The evidence indicates that windows would need to be closed in order for acceptable standards of internal noise comfort to be achievable. A strategy for managing this issue in overheating terms may well be possible[2]. However, this overlooks the more fundamental question of whether, all things considered, the need to keep windows closed would make for a healthy and comfortable standard of accommodation that would be expected of a well designed proposal.

2. It is reasonable that future residents of the development would expect to be able to open their windows, particularly in fine weather. Being able to open windows (and patio doors) in a dwelling is an essential part of everyday life,

and something which most people take for granted. Forcing future residents to make a choice between opening windows and tolerating road noise at the levels identified in the Appellant's noise evidence would create an oppressive living environment, inconsistent with the principles of good design.

3. In addition, keeping windows closed would rely on the actions of third parties (i.e. future occupants) to be effective and is therefore not in itself a reliable form of mitigation. Requiring a large number of windows to be fixed shut by condition would not be reasonable/desirable across a development of this scale.

The creation of an oppressive living environment which was considered in the Aldingbourne case is considered relevant here.

In terms of the external amenity space, daytime noise levels in the previous acoustic assessment were 64dBLAeq, significantly above the 55dBA criteria. Mitigation to achieve the 55dBA limit would be necessary. The applicant has confirmed that adequate mitigation to achieve these levels would not be possible without erecting a very tall acoustic fence around the entirety of the site which would block out natural light. Accordingly, the proposal is not considered to provide reasonable external amenity space.

The applicant refers to national planning guidance regarding noise (Noise NPPG para 011 Reference ID: 30-011-20190722 dated 22.7.19) which states:

Noise impacts may be partially offset if residents have access to one or more of:

- a relatively quiet facade (containing windows to habitable rooms) as part of their dwelling;

- a relatively quiet external amenity space for their sole use, (e.g. a garden or balcony). Although the existence of a garden or balcony is generally desirable, the intended benefits will be reduced if this area is exposed to noise levels that result in significant adverse effects;

- a relatively quiet, protected, nearby external amenity space for sole use by a limited group of residents as part of the amenity of their dwellings; and/or

- a relatively quiet, protected, external publicly accessible amenity space (e.g. a public park or a local green space designated because of its tranquility) that is nearby (e.g. within a 5 minute walking distance).

The applicant makes reference to a bridlepath slightly more than a 5 minute walk away which leads to the South Downs. He says that the nearby proximity of the South Downs was relied upon when the Council approved a development of 6 houses at Lancing Filling Station adjacent to the A27 in 2014.

Whilst regard is given to this guidance, it is also recognised that it allows for partial rather than full offsetting. In the current case, it is relevant to consider that the site is much smaller than in the case of the former filling station development. It is also a degree more constrained by its boundaries so that there is a greater degree of

oppressiveness. In the overall balance, it is considered that the ability to access public amenity space does not outweigh the poor quality of the limited and noise-exposed amenity space immediately available to future residents of the proposal.

Air Quality

The Council's Environmental Health Officer was previously satisfied that the site's NO2 and PM levels are within the current objectives as concluded in the applicant's submitted air quality assessment.

Residential amenity - effect on existing dwellings

The site is significantly below the level of the bungalow to the east, No. 118 Upper Brighton Road and at right angles to the shop and first floor flat at 4 HIllbarn Parade. The proposal would not cause neighbour amenity harm in terms of any loss of light or outlook.

The new windows proposed in the north wall would enable overlooking of No.4's external amenity space and staircase entrance. There is a simple trellis topped fence on this common boundary currently. The height of this fence could be increased to avoid this harm, although it is noted that this would also restrict the outlook for occupants of the proposal, adding to the sense of oppressiveness.

Loss of commercial floorspace

Whilst located within this local shopping parade the site was not previously in retail use and nor has it been used for ancillary retail purposes for over 40 years. The previous storage use is not considered likely to generate significant employment.

Accessibility and parking

The site has a single parking space. 2 spaces should be provided to new builds of this size. The Highway Authority does not consider that it would cause a highway safety issue. Overspill of 1 space on the local roads would not lead to a significant amenity issue.

Flood risk

The site is not at risk of flooding other than a possible surface water flood risk adjacent to the site. The Council's drainage consultant does not object and recommend an informative only.

Sustainability

No specific sustainability measures in terms of alternative energy generation are proposed. This could be dealt with by condition, although, given the visibility of the suiter close to the road, options for eye-catching solar panels as one example of sustainable energy, might prove to be limited.

Ecology and biodiversity net gain

The site was a yard with a store and had no soft landscaping. Accordingly it falls within the exemption by which there is no Biodiversity Net Gain (BNG) requirement.

Conclusion

The proposal relates to a site which is exposed to noise and is both small and physically constrained. The provision of windows which may provide ventilation on one side of the site with a degree of noise attenuation includes some uncertainty regarding effectiveness but in any event, windows on other elevations would need to remain closed. Noise exposure of the small outdoor space could not be practically reduced and the poor level of amenity overall between the internal and external spaces, is not considered to be offset by access to other public amenity space.

The provision of a new permanent building to seek to overcome internal noise issues arising from a proposed residential use creates an incongruous relationship between the site and its surroundings, where dwellings are set further from the road and noise, and with more spacious plots. This intensifies the sense of cramped development, out of keeping with the character of the area.

In the planning balance, notwithstanding the NPPF's presumption in favour of sustainable development, taking account of the social, environmental and economic factors of sustainable development overall, the adverse impacts of the proposal significantly and demonstrably outweigh any benefits, such as the very minor addition to housing supply. Therefore it is recommended that permission should be refused.

Recommendation

REFUSE for the reason:-

1. The development, by reason of its siting, appearance, proximity to the A27 and cramped relationship with neighbouring properties, would be out of keeping with the pattern of development locally resulting in harm to the character of the area. It is also exposed to excessive levels of noise, and the proposal, which relies upon several windows which are closed and with limited other windows, the acoustic and ventilation effects of which are uncertain, would lead to a poor design and a poor quality living environment detrimental to occupiers' living conditions. It is therefore contrary to policies 15 and 34 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework and NPPG.

4 November 2024

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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