Development Control – Delegated Officer Report

Application Number: ADC/0011/10 Recommendation - APPROVE

Site: **Land adjacent to Surry Arms, 388 Brighton Road Shoreham-by-Sea BN43 6RE**

Proposal: **4 three-bedroom townhouses (instead of 5 flats with 5 parking spaces previously approved)**

The Application

The application site, which was sold by the Council in April 2009, is currently surrounded by builder's hoardings. It is a rough-surfaced open area, formerly used partly for parking, on the corner of Surry Street and New Road/ Brighton Road. It includes the west half of the stub of the original Surrey Street on the east side (which runs along the western side of the public house).

The application is a revised scheme following the previous permission ADC/0587/07 granted in 2007 for a three-storey almost flat-roofed block of 5 flats, with 5 parking spaces on the rear of the groundfloor accessed from a new access off Surry Street.

The present scheme involves, as before, the closure of the existing access to the A259 to the south (closing the remnant of the former street directly adjacent to the Surry Arms PH) but it no longer proposes the creation of a new access to Surry Street. It would, consequently, not have any vehicular access or parking provision.

The new building is shown located in a similar position to the previous proposal, set back 0.5m from the rear edge of the pavement on the corner and about 1m from Surry Street (on the west side) and up to 2.7m on the south. It would now be 7m (instead of 4.5m) from the side of the public house but would extend 5.5m further northwards. Overall, it would now be 20.5m long and 8.4m wide (excluding porch canopy), instead of 15.3m long by 12.3m wide.

The elevations propose a mansard-roofed building, with two storeys plus a top floor within the roof. 3 of the houses would form a terrace facing onto Surry Street, with projecting front porches beneath a continuous lead-clad curved canopy-type roof. The southern end house would face the A259, with a similar projecting curved canopy roof. A low wall with railings and piers (approx 1.6m high) is shown around the highway boundary, with very small front gardens. At the rear would be short gardens, 3.8m deep and 5m wide

Consultations and Representations

kerb/footway reinstatement in Brighton Rd (as required by the Stopping-Up Order),

County Transport Planning Services: From a ***transport*** viewpoint raise no objection subject to conditions requiring 2 secure covered cycle spaces per house and a section 106 Obligation requiring a sustainable transport contribution of £3,520. State that the site is a sustainable location within walking distance of public transport and services and hence no reliance on private car but the LPA may wish to consider any impact on on-street parking

and any highway safety issues. From a ***Conservation*** aspect, state that the design and form of the houses will sit comfortably visually on this confined corner site and their style will complement the listed building to the west. From an ***archaeological*** aspect, the site is unlikely to contain significant features but a condition requiring a watching brief is recommended.

Environment Agency: The site is outside the flood risk area and the EA had no objection to the previous application subject to the imposition of conditions requiring a minimum floor level of 5.1m AOD (to reduce the risk of flooding), and, if during development contamination not previously identified is found to be present at the site, then no further development be carried out until the developer has submitted and obtained written approval for an amendment to the Method of Statement detailing how this unsuspected contamination shall be dealt with (to prevent pollution to controlled waters).

Southern Water Services: Whilst they are yet to respond to the current application, their comments on the previous proposal are that diversion of the foul water sewer crossing the site may be possible subject to foundations within 3m of the sewer being taken down to at least 0.15m below the invert level of the sewer. Sewer and surface water diversion Agreements would be needed with SWS Ltd. They also request imposition of a planning condition requiring submission and approval of measures to be undertaken to divert the public sewers.

Adur District Council: The Environmental Health officer, states that, owing to traffic noise from the A259, the site is likely to fall within NEC 'C'. In the absence of a specific noise assessment report, the developer should assume worst case noise levels of 72 LAeqT dB (daytime) and 66 LAeqT dB (night time). Adequate glazing shall be provided to achieve an internal noise level of not more than 30 Leq dB(A) (night-time) in bedrooms and 35 Leq dB(A) (daytime) in livingrooms, with acoustic ventilation to the bedrooms. Also, recommends a condition relating to ground contamination investigation.

The Waste Services Manager states there is no need for specific comments as these are now ordinary houses and bins would be collected from the front edge of the properties on collection day.

Third Parties:

4 letters have been received, 3 from nearby residents and one from the agent acting for the receivers of the Surry Arms site. The latter states that there is no right of access onto their site and therefore the rear garden gates should be deleted (which is now the case on the amended plan) but also raises concern about the proximity of the rear bedroom windows of the proposed houses to the 6 (as proposed) side bedroom and livingroom windows of the Surry Arms, only 7m away as compared to the usual minimum for facing back windows of about 20m.

The resident of Flat 26 Pashley Court objects on grounds of noise and disturbance from families; loss of privacy and view due to the height of the building; upset of the balance and look of the area by cramming the building onto the site; and disruption and stress caused by six months or more of building work.

The resident of Flat 1 Mannings states no problem with the proposal.

The resident of Flat 3 Mannings welcomes new housing on the land but is concerned that construction work might cause the buses to be re-routed.

Relevant Planning Policies and Guidance

The South East Plan 2006-2026 (GOSE 2009): SCT1, SCT5, SP3, CC6, H1-2, H5, BE1-2
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising: - Development Control No. 3 '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)
PPG13 'Transport' (DTLR 2001)
PPS23 'Planning and Pollution Control' (ODPM 2004)
PPS24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The site is located on the edge of a predominantly residential area, adjoining commercial uses along Brighton Road. In the Local Plan, it lies within the area covered by the Town Centre Inset Plan but is not identified for any particular use or development. It has been established by the 2007 permission that development for residential purposes accords with both Structure and Local Plan policies. In order to meet the housing requirements of the Structure Plan, it is necessary that a significant proportion of new residential development takes place by way of 'unidentified' small infill sites such as this and the policies encourage redevelopment and infilling to help meet the demand for dwellinghouses suitable for small families, single persons and the elderly, and to make best use of urban land.

The relevant Local Plan policy AH2, related 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 and accordance with adopted standards (in this case the Council's DC Standard No. 2 'Space Around New Dwellings and Flats' 1996; the 'Good Practice Guidance Note: Internal Space Standards for New Homes' (ADC 2010) and the Revised West Sussex Parking Standards and Transport Contributions Methodology 2003).

Government policy in PPS3, in order to achieve a wide choice of high quality homes, improve affordability and create sustainable, inclusive, mixed communities, generally encourages the maximisation of the use of previously developed land for housing development at higher densities and without rigid application of parking and amenity space standards. However, it is also states that "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted".
It encourages LPAs to promote "designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes". It states:- "Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or 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, character and appearance

The site is prominently located on a road junction and has had a poor appearance for very many years. It is a left over area that resulted from the redevelopment of terraced houses in the former Surry Street which were demolished in the 1960s, involving the relocation of the street 20m to the west to enable the Pashley Court flats to be erected. The site lies opposite the Conservation Area which terminates at the end of New Road. The end pair of houses (No's 55 & 57) in New Road are listed buildings.

The density of the existing flats at Pashley Court is 130 dwellings per hectare (dph). The proposed houses would be at a density of about 110dph as compared to 133dph for the 5 flats previously approved. As stated under 'Policies', the Government refers to a requirement of not less than 30 dwellings per hectare for new housing development, and the South East Plan 40dph, so the proposal is well in excess of this.

Previous concern that the proposal might result in an overdeveloped appearance due to the building almost abutting the rear edge of the pavement in Surry Street, well forward of the Pashley Court flats, was considered unfounded, given that this road is very wide and has a wide grassed verge opposite. The same conclusion applies to the present proposal.

In streetscape terms, the proposal would greatly improve the appearance of this untidy corner site. The proposed design fits in very well with the tight 'urban' feel of the town centre and the buildings in Brighton Road to the east, several of which are three storeys high. It would close down the 'openness' in the streetscene that resulted from the clearance of the former terraced houses here in the 1960s. The traditional design now proposed fits in much more harmoniously with the Surry Arms to the immediate east, and also the other

traditional buildings along the north side of the A259, and along New Road. Visually, it is acceptable under the adopted policies and PPS3.

As to the elevations, the blank north side elevation will be very prominent when travelling south along Surry St and it is considered that it would be greatly improved if the roof were to have a mansard to match the front elevation, continuing the cornice around the parapet wall. This change would slightly unbalance the west elevation but the north one is more prominent. Amended plans have been sought.

Residential amenity – effect on adjoining flats

The southern wing of the Pashley Court flats to the north of the site would be affected by the proposed building, the main concern being potential overshadowing because the proposed building is to the south west of the existing flats. Previously, the block was proposed to be located further away to the south (16m) than the present proposal (10.5m). Most of the flats in the southern wing of Pashley Court already face the rear of the buildings in Brighton Road, which causes an 'enclosing' effect. The proposal would extend this effect further westwards, as well as projecting closer. However, compared to the previous proposal, it has the advantage of leaving a wider gap of 7m from the side of the Surry Arms, the actual 'overlap' with Pashley Court where the buildings directly face each other north-south is now 2.5m as compared to 5m. Also, the north side elevation is considerably reduced in mass (by 43%) as compared to the previous proposal being only 8.4m wide narrowing to 6.9m at roof level (as compared to 12.3m wide before) and 8.3m high (as compared to 9.2m).

The plan shows that the rear wall would be blank with only imitation blanked out window panels in order to avoid any overlooking. In the absence of any windows facing those of Pashley Court, there is considered to be insufficient justification to apply the minimum standard of 28m separating distance between buildings over two storeys high. On balance, it is considered that the development as now proposed is acceptable in terms of its effect on Pashley Court.

With regard to the effect on the proposed flats to be created in the Surry Arms (permitted but not yet implemented), the approved plans show 6 side windows. These are second windows to front livingrooms (2) and bedrooms (4). Apart from a bathroom window, the first-floor rear wall of each of the proposed 2 southernmost houses would have a rear bedroom window directly facing these windows at a distance of 7m, plus a dormer window of the main bedroom above. At groundfloor would be dining and kitchen windows/door. The Council has no minimum standard for back windows facing side windows but 14m would normally be regarded as a minimum, so the proposals are less than would normally be considered acceptable. However, the low standard of privacy has to be balanced against the improved daylighting/outlook that the present proposal would allow as compared to the previous permission, as it shows a wider gap of 7m as compared to 4.3m-4.5m between the buildings and the building is also slightly lower (8.3m high as compared to 9.3m). In order to reduce the scope for direct overlooking between windows, apart from

the bathroom windows, the rear dormer windows of the main bedrooms as well as the ensuite shower rooflights have been requested to also be obscure glazed.

Residential amenity – for proposed houses

The standard of amenity and living conditions for residents of the proposed new houses also have to be considered. As advised by the EHO, attention to window design is necessary owing to road traffic noise from the A259.

The Council's newly-adopted 'Good Practice Guidance Note: Internal Space Standards for New Homes', requires internal floor areas of 93sqm for three-bedroom dwellings. Storage should be 4.5sqm; living/cooking/eating areas 30sqm; and sleeping areas 31sqm respectively. The proposal exceeds this standard in respect of total floor area (106sqm); living/cooking/eating area 31sqm; and sleeping area 45sqm but not storage. Improvement of the latter has been sought.

The Council's Development Control No. 3 'Space Around New Dwellings and Flats', states that rear gardens should be 11m deep with an area of 50sqm (for two-bedroom terraced houses) and 65sqm (for three-bedroom). The proposals are far below this standard being only 4m deep and 20sqm to 23sqm in area. These areas are similar to those required for flats (20sqm per flat). However,on a previous appeal in 2001 related to a proposal for 2 houses on the north side of nearby Ham Road, the Inspector concluded that rear gardens of 26sqm/28sqm (as compared to a standard of 50sqm/85sqm) and 3.7m/5m deep were acceptable as they were similar to those of adjacent existing houses and there were no overlooking or daylighting problems. The present proposals are slightly smaller and more overlooked but would have better daylighting/sunlighting. On balance, it is considered that refusal is not warranted given the character of the location.

Access and parking

A Highways Stopping-Up Order has enabled the closure of the access way on the east side as it is no longer part of the public highway (being the stub of the original Surry Street).

With regard to parking, the site is in a highly sustainable location close to facilities and to bus routes and the railway station. It is the type of location easily accessible by public transport or on foot where it is appropriate to relax of parking below the adopted maximum standard of 8 spaces. The provision of 5 car parking spaces (one per two-bedroom flat) was previously accepted but the present scheme proposes no car spaces whatsoever. There is a considerable amount of on-street parking in the area but this is not unusual in a central location such as this. Taking account of government advice in PPS3 and PPG13, it is considered that refusal is not warranted.

Subject to payment of the sustainable transport contribution under the adopted methodology (calculated as £3,520 as compared to £5,200 previously), it is considered that the parking provisions are acceptable.

In respect of bicycle parking, 8 cycle spaces are required to meet the adopted standards. It is considered it can be made a condition of permission.

With respect to bin storage, Waste Services state they need to be collected from the fronts of the houses.

Recommendation

Subject to completion of a unilateral section 106 Obligation undertaking to pay £3,520 to sustainable transport improvements in the locality and to receipt of satisfactory amended plans relating to the north elevation, obscure-glazing of some rear windows and improved storage space, 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 consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AH2, AH5, AB25) and The South East Plan (SCT1, SCT5, H1-2, H5, T4, BE1-2).

Subject to:-

1. C1Ci (Standard time limit)
2. C7Ci (Details of walls and fences to be submitted, approved and implemented) (amended)
3. C8Biv (8 cycle parking spaces to be constructed and retained) (amended)
4. C9K (Closure of former access to A259 and reinstatement of kerb and footway) (amended)
5. C14Ai (Permission relates to amended plans)
6. C18A (Details of groundfloor level to be set at 5.1mAODN) (amended)
7. C18K (Provision for waste storage)
8. C18R (Provision for dealing with any contamination encountered during construction) (amended)
9. C17Dii (Protection from road traffic noise) (amended)

Case Officer.....[redacted] Date..29/3/10.....

Chairman of Planning Committee[redacted] Date.....29/03/10.....