Development Management - Delegated Officer Report

Application Number: AWDM/0705/24 Recommendation – Refuse

Site: 5 Hillbarn Parade, Upper Brighton Road, Sompting

Proposal: Demolition of single storey storage building (Class B8) and construction of a studio bungalow (Class C3) (Retrospective)

Date of site visit: 26/6

Neighbours checked: Y

Additional neighbour notifications: N

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 at 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 the new modular residential studio was erected in September/October 2020. Permission is sought to retain it.

The studio includes a single room with a kitchen in one corner with double entrance doors and a window facing west. This room also has two south facing windows and there is a shower/WC room at the back also with a south facing window.

The building measures 7.3metres x 6.7 metres and has a shallow pitched roof with an eaves height of 2.6 metres and a maximum height of 3.4 metres. It is finished in grey cedral cladding and dark grey uPVC windows and doors. Behind the gates is a single parking space and approximately 20 square metres of external amenity space in front of the entrance steps.

The site is not in a conservation area and there are trees on the site. Applications for a bungalow on this site were twice refused in 2007.

The application is accompanied by an Air Quality Assessment and a Noise Impact Assessment.

In the event of a recommendation for approval a local ward councillor had called this application into committee on the grounds that it is not a suitable site for residential and was formally in commercial use.

Relevant Planning History

ADC/0465/07 - Detached chalet style bungalow. Refused

ADC/0104/07 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: The Highways Authority

Summary

This application seeks the retrospective demolition of a single-storey building (Class B8) and construction of a studio bungalow (Class C3). The site is accessed from Hillbarn Parade, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

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.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Environmental Health:

'I refer to the above application copied to us for comment.

The noise assessment dated 31 May 2024 (ref 30183_NIA1) concludes that internal noise levels with windows open would exceed those specified in BS8233:2014. Mitigation is proposed in Chapter 6.3 which includes mechanical ventilation. I would concur with these conclusions and advise that the mitigation must be provided in order to achieve suitable internal noise levels.

There is no assessment of external amenity areas. The application references a private amenity space. BS8233 references design criteria for external areas and specifies an upper guideline value of 55dBLAeq. Daytime levels in the acoustic assessment were 64dBLAeq, significantly above the 55dBA criteria. Therefore, if external amenity spaces are to be utlised then mitigation should be included to achieve the 55dBA limit.

The air quality assessment concludes levels of NO2 and PM at the site are within the current objectives.'

Southern Water:

Permissions to connect to the foul and surface water drainage systems required. Building control or Technical Services should comment on the adequacy of surface water drainage.

WSP - Council's Drainage consultants:

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:

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

None received.

Relevant Planning Policies

Adur Local Plan 2017 Policies 15, 20, 28, 34, 36
National Planning Policy Framework (December 2023)
National Planning Practice Guidance
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

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 NPPF 2023 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.)

As such, the presumption in favour of sustainable development, set out in the National Planning Policy Framework, applies. This states that permission should be granted unless one or both of two given criteria are met. Criterion

(ii) states that 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 below.

The relevant issues in this case are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

Visual amenity/Character

Previously the site contained a simple timber shed with corrugated roof and included advertising for a drainage company, see Google street view.

The bungalow itself is of a similar scale. It sits behind gates and fencing and is not readily visible from the east or south. On approach from the west it can been seen above the fence line. It is not considered that no significant visual harm is being caused.

Residential amenity - for proposed dwelling.

The studio unit has 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. There is no specific garden space area identified for a unit such as this in the adopted SPG Development Management Standard No.1 'Space Around New Dwellings and Flats'. The smallest garden of 50sqm is attributed to a new build 2 bed terraced house. In the circumstances it is considered that the amenity space is adequately sized, albeit at the front of the property.

The Council's Environmental Health Officer has confirmed that the submitted air quality assessment concludes that NO2 and PM levels at the site are within the current objectives.

However, the submitted noise assessment concludes that internal noise levels with windows open would exceed those specified in BS8233:2014. Mitigation is proposed in Chapter 6.3 which includes mechanical ventilation. Advice from Environmental Health is that these mitigation measures would have to be provided in order to achieve suitable internal noise levels. The applicant's agent has confirmed they are willing to retrofit them.

A recent appeal decision in Aldingbourne also for housing development alongside the A27, see APP/C3810/W/23/3318827 appended to this report, includes the following paragraphs regarding noise:

0. 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.

1. 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.
2. 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.

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.

Mitigation measures will need to be implemented for developments that could increase levels of pollution or have a negative impact on drinking water supplies in Adur. Where there are significant levels of increased pollution that cannot be mitigated, development will be refused.'

Whilst noise pollution can be mitigated by the introduction of mechanical ventilation it is not considered appropriate in new development to require windows to be kept closed at all times. It creates an oppressive living environment, inconsistent with the principles of good design and points to an inappropriate location for residential development.

In terms of the external amenity space, Daytime noise levels in the acoustic assessment were 64dBLAeq, significantly above the 55dBA criteria. Mitigation to achieve the 55dBA limit is 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.

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.

He refers to paragraph 011 Reference ID: 30-011-20190722 dated 22.7.19 of the Noise NPPG 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 tranquillity) that is nearby (e.g. within a 5 minute walking distance).*

In the circumstances and given the size of the unit in question it is not considered that a refusal on the grounds of poor quality amenity space due to noise could be justified.

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 there is also a number of trees inside 118's land on the common boundary. To the north is a side garden area belonging to the shop at 4 Hillbarn Parade and the upstairs flat. The bungalow is sufficiently removed from this 'yard area' to avoid visual harm or neighbour harm.

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 it is causing a highway safety issue.

Flood risk

The site is not at risk of flooding other than a possible surface water flood risk adjacent to the site. The informative recommended by WSP will be added to any approval.

Conclusion

Notwithstanding the presumption in favour of sustainable development and that the development makes a tiny contribution to overall supply, it is considered that the adverse impacts identified significantly and demonstrably outweigh the benefits of granting planning permission.

Recommendation

REFUSE

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 Practice Guidance and NPPF.

Is recommendation contrary to letter(s) of representation? N

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

Case Officer:	MOK	Date: 6/8/24
Authorised by:	Peter Barnett	Date: 6 August 2024

APPENDIX 1

Decision Letter - APP/C3810/W/23/3318827