Application Number: ADC/0489/08 Recommendation - APPROVE

Site: **Former Ardmore Nursery School, Wembley Gardens Lancing BN15 9LA**

Proposal: **Demolition of redundant nursery school and erection of 9 terraced houses in two blocks (5 one-bedroom and 4 two-bedroom) with two parking areas (11 car spaces)**

The Application

The site forms part of an extensive area of 'backland' development located between the rear of houses on the east side of Wembley Avenue and the west side of Annweir Avenue. It is served by an unadopted lane (named Wembley Gardens after the erection of flats at its southern end) which runs in a loop with the 'island' of development in the centre. The present application site comprises the former Ardmore Nursery School, a single-storey flat-roofed building, and its associated outdoor playing area covering an area of 0.12 hectare. The site is approximately 70m wide, 16m deep at its northern end and 21m deep at is southern end.

The adjoining site to the north comprises a pitch-roofed single-storey church hall while to the south is a timber building which was formerly occupied as a repertory hall but which is now vacant. Beyond this is the Kingdom Hall which has outline permission to be redeveloped with 6 flats (L/118/05), while further south is the former athletic club building which has been redeveloped with 6 one-bedroom terraced houses (L/147/03). This followed a previous application on that site for 6 one-bedroom flats which was refused on access grounds but subsequently allowed on appeal (L/191/01).

Full permission is sought for the redevelopment of the present site with 9 two- storey houses in two terraced blocks. Parking for 11 cars will be provided in total, 5 at the north end and 6 at the south end with access from the lanes on either side (east and west). The site can be accessed from Wembley Avenue at either the north end (which is nearest) or south end of Wembley Gardens although the application proposes that the lane running from the northern access is to be surfaced with tarmacadam up to and including both sides of the site.

Consultations and Representations

West Sussex County Council: No objection. Whilst the applicant's Design & Access Statement does not contain robust information to verify its conclusion that the proposed 9 dwellings would result in less intensive use of the access than the previous use as nursery school, from the accepted data held in TRICS, it is evident that the Class D1 nursery use could be expected to generate up to 105 daily vehicle movements, with 20 in the AM peak hour and 12 in the PM peak hour. In comparison, the TRICS data for 9 dwellings shows that they can be expected to generate 61 daily vehicle movements, with 3 in the AM peak hour and 5 in the PM peak hour. On that basis, the proposed residential development signifies a less intensive usage of the site and the accesses onto the public highway. Given the Planning Inspectorate's previous decision for the nearby former athletic club site also accessed from the same private access track, it would be difficult for a highways objection to be raised notwithstanding the track being substandard (NB. there has since

onfirmation from the applicants that they propose to surface with blue tarmac the of the track from the northern access to this site).

With regard to car parking provision, 11 car parking spaces are shown, as compared to a maximum standard of 13 under the adopted West Sussex Parking Standards. Whilst there is limited scope for the access tracks to accommodate parked vehicles, no safety concerns would arise through the proposed provision and the level of car parking is considered acceptable.

As identified in the previous appeal decision, the site is close to a bus route and the town centre and train station are also within the 2km walking distance referred to in PPG13. For these reasons, the site is considered to be sustainably located and residents would not be overly reliant on use of cars to access facilities.

In terms of the adopted Transport Contributions Methodology, whilst it is acknowledged that the proposed use would generate fewer vehicular movements than the existing lawful use, it is considered that residential use would place different demands on the highway network and particularly on sustainable transport infrastructure. With the nursery use, the majority of trips would have been by car or perhaps on foot and the nursery would have been the end destination. The residents of the proposed dwellings would place additional demands on the local transport network and would have to travel to access certain services, hence it is considered there would be sufficient justification to seek a contribution towards improving sustainable travel, which should then assist in lessening the dependency of residents on car travel. A contribution of £7,480 (allowing for a deduction based on existing car parking provision) is sought towards schemes to mitigate the impact of this development.

Adur District Council: The Environmental Health Officer has no objection.

The Waste Services Officer has no objection on the understanding that the applicant is willing to surface the access lane. A standard collection vehicle will not be able to access the site but it could be serviced by the smaller town centre vehicle.

Environment Agency: No objection subject to a condition requiring ground contamination investigation being imposed.

Southern Water Services: No objection but request that a condition is imposed requiring details of foul sewage and surface water disposal. Comment that there is currently inadequate capacity in the public sewerage system to serve the proposed development and increased flow may cause existing properties and land to be subject to a greater risk of flooding. State that, as the local sewer system is combined foul and surface water, the applicant should investigate whether the proposal can achieve no additional flow by making alternative drainage arrangements for surface water disposal (subject to soakaways meeting Building Regulations requirements); otherwise the provisions of the Water Industry Act 1991 provide an appropriate mechanism for the sewerage infrastructure to be upgraded at the developer's expense.

***West Sussex Fire Brigade*:** To be reported

Lancing Parish Council: To be reported

Third Parties: 20 letters of objection have been received from (or on behalf of) residents of No's 53 Crabtree Lane; No's 18, 20, 26, 30, 34, 44, 66 & 68 Annweir Avenue; No's 1, 7, 9, 11, 17, 21, 25, 27, 39 & 59 Wembley Avenue and No.5 Florence Cottages, Wembley Gardens on the following grounds:-

Substandard, narrow access road which is of insufficient width for two cars to pass and unsuitable for service, construction and emergency vehicles;
- Ownership of the lane is unknown and it is questioned as to who will maintain it;
- Notwithstanding the previous appeal being allowed and the subsequent permission, the cumulative effect of the traffic generated by further residential development in Wembley Gardens must be taken into account as there is a limit to the amount of traffic that the substandard access lane can cope with; the impact of this traffic will not, in reality, be offset by the contribution sought to sustainable travel improvements in the area;
- Traffic associated with nursery was much less than applicant claims, and parents generally dropped off children on the public highway (in Wembley Avenue), not in the access lane;
- Risk to safety of people walking along access road;
- Insufficient parking provision will lead to congestion in adjoining roads;
- Increased traffic, noise and disturbance to properties whose gardens back onto site;
- Introduction of lighting to an otherwise unlit area;
- Inadequate sewer/drainage system;
- Loss of nursery/community facility;
- Overlooking and loss of privacy;
- Overdevelopment;
- Loss of light;
- No tree or ecological survey was submitted with the application, and, as there are existing buildings to be demolished, protected species such as bats may be affected; it is illegal under the applicable legislation to intentionally or recklessly kill, injure or take a bat or damage, destroy or obstruct access to any place that bats use for shelter or protection; surveys should be carried out before any permission is granted;
- Loss of property value.

[NB. the residents of 20 Annweir Avenue, 17 & 25 Wembley Avenue, 53 Crabtree Lane and 5 Florence Cottages have requested to speak at the Committee meeting]

Relevant Planning Policies and Guidance

Adopted West Sussex Structure Plan 2001-2016 (WSCC 2005) (saved policies): LOC1, NE1, NE11, CH1, ERA1, DEV1, DEV3-5
Adopted Adur District Local Plan 1993–2006 (ADC 1996) (saved policies): AG1, AP4, AH2, ACS5 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2 'Space Around New Dwellings and Flats'
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' (DLTR 2001)

Planning Assessment

Policies

The site is not identified for any particular use or development in the Local Plan. In principle, the proposed redevelopment for residential purposes accords with both Structure and Local Plan policies because it is within the built up area of Lancing. 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 sites such as this.

The above policies encourage redevelopment and infilling to help meet the demand for dwellinghouses suitable for small families, single persons, the elderly, and to make best use of urban land. This is encompassed in Structure Plan policy LOC1 but it is on the proviso that 'the impact on the character of the area and the environment, resources and assets of the County is acceptable".

Policy DEV1, entitled high quality development, states that development should not be permitted unless the construction, layout, scale, appearance and landscaping are of high quality taking into account the need to, amongst other things, integrate with and where possible enhance adjoining land uses and minimise conflicts between land uses and activities; have regard to context including site characteristics, townscape/streetscape views into and out of the site and building styles/materials; give high priority to pedestrians and reduce dominance of cars; create a high quality socially-inclusive adaptable environment; protect and enhance biodiversity; ensure energy efficiency; and meet the needs of service providers.

Policy DEV4 states (amongst other things) that development should not be permitted unless the travel needs it generates are met; it achieves safe and convenient access by choice of means of travel; it encourages and enables an increase in walking and cycling; and the number and impact of motorised journeys is minimised. DEV5 states that 'Development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety problems and the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative.

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.)

Local Plan policy ACS5 states that the loss of an existing community facility will not be permitted.

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 (avoiding developments at less than 30 dwellings per hectare) 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" (para 13).
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" (para 50).

Principle of development

The site lies within the built up area and is not identified for any particular use or development in the Local Plan. The proposal is for redevelopment of a 'brownfield' site as provided for in Structure and Local Plan policies.

The existing use of the site as a nursery school represents a community facility covered by policy ACS5 of the Local Plan. While this policy states that the loss of such facilities will not be permitted, the applicants have confirmed that the property has been marketed as an educational building since February 2006 without success. It has stood empty since July 2006. West Sussex County Council's Childcare Development Officer has confirmed that there are sufficient childcare places for 0-5 year olds in the locality and the County Council has no objection to the loss of this facility and accommodation.

On this basis, it is considered that an exception to policy ACS5 can be made as the redevelopment of this site will not result in the loss of a valuable community facility.

Density, character and appearance

The surrounding area is predominantly residential in character made up mainly of two-storey terraced houses. The proposed houses would therefore respect this character, being terraced in two blocks of four and five houses. Each block would have a fully hipped roof with the end units on each block projecting slightly forward and to the rear to provide visual interest. The end units contain the two-bedroom houses and these have slightly larger gardens than the central one-bedroom houses. The houses are to be finished with render and brick elevations and tiled roofs to harmonise with the surrounding dwellings. A 1.8m high brick wall is to be erected on the rear boundaries of the gardens.

The dwellings are to be positioned centrally within the site with parking spaces and access provided at either end. The houses are oriented east-west with west facing rear gardens. As originally submitted the houses were sited towards the eastern side of the site but there were concerns that this would result in the houses being too close to the access lane. Amended plans have been received showing the houses set back a minimum 2m from the lane which is considered to provide a sufficient buffer for the future residents without compromising their rear amenity space.

The development represents a net density of approximately 70 dwellings per hectare which is considered acceptable, being lower than Florence Cottages (100dph) and the flats No's 1-10 Wembley Gardens (110dph) but higher than the existing houses in Wembley and Annweir Avenues (approx 50dph). It meets the requirements of PPS3 (which advocates densities of not less than 30dph).

Residential amenity

The proposed houses are not considered to have a harmful impact on the existing surrounding residential properties in Wembley Avenue, Annweir Avenue or Crabtree Lane.

The buildings would be over 30m from the rear of the existing houses which is in excess of the Council's minimum standard of 22m distance between principal windows. With a height of 7.1m to the ridge (compared with 8m for Florence Cottages), they would not be overbearing and there would not be unacceptable loss of privacy, daylight or sunlight for the existing houses.

Each new house has its own bin storage at the end of the garden with access onto the lane. This is to be resurfaced in tarmac to enable town centre refuse vehicles to be able to access the site to collect refuse. Cycle storage is provided by way of open, covered stores at either end of the development.

The garden area for the two-bedroom units is just under the Council's minimum standard of 50 square metres, being around 46 square metres on average as a result of the re-siting of the units further back from the lane. It is considered that this is a reasonable amount of amenity space in this location. The one-bedroom units have smaller gardens (around 24 square metres). The Council does not have any amenity space standards for one-bedroom houses, although for flats, there is a standard of 20sqm. It is considered that the amount of private garden space is appropriate for one-bedroom houses as they are unsuitable for families. The depths of the gardens is greater than at Florence Cottages to the south.

The street lamps originally proposed to illuminate the parking areas have been amended to lower bollard lights which have less of an impact. The final details of their design and the amount of illumination can be controlled by condition.

Access and parking

The site is served by a narrow access lane which, in spite of the applicant's assertions, cannot easily accommodate two passing cars. It is also largely unmade with potholes in places making vehicular access difficult. The applicants have agreed to surface with tarmac the access lane from the northern end of Wembley Gardens where it joins Wembley Avenue up to and including the lane on either side of the site. The access onto the adopted highway is substandard with limited visibility and WSCC as the local Highway Authority have, in the past, objected to residential development of this backland area.

However, the appeal decision in 2001 for 6 flats (now Florence Cottages) concluded that there would not be a significant increase in traffic movements or unacceptable detriment to highway safety as a result of the development. This followed a permission granted by Committee for flats 1-10 Wembley Gardens at the southern end many years earlier. More recently, permission has been granted for flats on the Kingdom Hall site and this current proposal falls to be considered in a similar light.

The Highway Authority has therefore not objected to the application on the basis of these previous permissions and because the amount of traffic to be generated by the proposed 9 houses would be less than the lawful nursery use. Objectors to the application have stated that the nursery previously operated a restrictive access policy whereby only staff were allowed to park on the site. However, this could not be enforced were the nursery to re-open and the potential for 100 or so daily vehicular car movements is therefore a material consideration.

11 parking spaces are to be provided in the form of 9 spaces for residents plus one visitor space and one disabled parking space. Under the current West Sussex Parking

Standards, a maximum of 13 spaces would be permissible. The Highway Authority has expressed no objection with regard to the level of parking to be provided. It is considered appropriate as the site is in a sustainable location, being close to a regular bus service and within walking distance of the town centre and railway station. Consequently, the future occupants would not necessarily be reliant on the private car to access local facilities. A contribution of £7,480 towards sustainable transport improvements is sought to offset the effects of the travel demands arising from this development.

Other matters

Among the representations received is a letter expressing the view that permission should not be granted until surveys of trees and protected species have been undertaken. However, the trees and bushes on the site are of no merit and there is no indication that any protected species inhabit or use the site. The site is not close to any area of nature conservation interest. The objector refers to requiring a bat survey but the existing relatively modern flat-roofed building and vegetation on the site are untypical of the type of habitat attractive to bats and the advice of WSCC's ecologist is that it would be unreasonable to insist on a survey for a site such as this. An informative to the applicant is suggested instead regarding the legal position if any protected species were to be encountered during site clearance.

Some representations refer to potential loss of value of nearby properties but this, in itself, is not a valid planning consideration.

As regards sewerage, Southern Water have set out their requirements for either demonstrating no additional flow to the combined sewerage system or upgrading the system at the developer's expense under the provisions of the Water Industry Act 1991.

Recommendation

A. Subject to completion by 15 December 2008 of a satisfactory section 106 Obligation undertaking to pay a sustainable transport contribution of £7,480, APPROVE for reason that:-

The proposed development is within the built-up area and would help meet the need for additional housing without detracting from existing local urban environment. It can take place without resulting in unacceptable detriment to the residential amenities of nearby properties and without detraction from highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AG3, AB25-27, AH2, AH5) and the West Sussex Structure Plan 2001-16 (LOC1, NE1, CH1, ERA1, DEV1, DEV3-5)

Subject to:-

1. C1Ci (Standard time limit)
2. C7Cii (Details of walls/fences to be approved and implemented)
3. No dwelling hereby approved shall be occupied until the access lanes from Wembley Avenue to the proposed parking areas (as denoted on the amended plans) have been surfaced with tarmacadam and completed in accordance with construction details to be submitted to and approved in writing by the local planning authority.
4. C8Biv (Car parking spaces to be constructed and retained)
5. C9Cii (Turning space to be provided and retained)

6. C9N (Temporary provision for contractors' vehicles, materials, etc on the site)
7. C9S (Temporary wheel cleaning facility during construction work)
8. C11A3 (Hard and soft landscaping scheme to be submitted and implemented and replacement of trees/shrubs that die within 5 years)
9. C12Aii (External materials to be approved)
10. C14Aii (Permission relates to amended plans received on 17 November 2008)
11. C14Gii (No development shall take place until details of the lighting to the parking areas have been submitted and approved) (amended)
12. C14H (Existing building to be demolished prior to development)
13. C18B (Removal of permitted development rights for extensions and curtilage buildings over 5 cubic metres) (amended)
14. C18E3 (No windows to be constructed in side walls without permission)
15. C18K (Provision for waste storage)
16. C18N (Details of proposed foul and surface water drainage to be submitted and approved)
17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to and obtained written approval from the LPA for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

B. In the event that, by 15 December 2008, a satisfactory Section 106 Obligation (undertaking to pay the contribution of £7,480 to sustainable transport improvements in the area) has not been completed, that authority be delegated to the Executive Head of Planning, Regeneration & Wellbeing to refuse the application on grounds that it does not comply with Structure Plan policies DEV4-5 and the Revised West Sussex Parking Standards and Transport Methodology.

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