Development Management - Delegated Officer Report

Application Number: AWDM/0330/18 Recommendation – Approve

Site: 170 Brighton Road, Lancing

Proposal: Demolition of existing building (Nos.170 and 170a) and erection of pair of semi-detached three-storey townhouses with roof terrace and garages and workshops on ground floor, new vehicular crossover and associated landscaping and car parking. Proposed studio and decked area adjacent to lagoon.

Date of site visit: 17 May 2018

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a two storey building which is divided into 2 flats, on the south side of Brighton Road fronting Widewater lagoon. The ground level of the site rises so that the house appears as a bungalow from the rear, before sloping down again to the water's edge. The existing building is rendered with a hipped pyramidal roof. It has a conservatory on the east side at ground floor towards the rear of the building and a flat roofed extension across the rear at first floor (which appears as ground floor level from the rear).

To the east there is a similar style of building (no. 172/172A), separated from No.170 by a semi-detached pitched roof garage. To the west there is a taller three storey building (168/168A) which projects further to the rear than the application property.

It is proposed to demolish the existing building and to construct a pair of semi-detached three storey townhouses with roof terrace. The building will have a shallow pitched butterfly roof with the upper floors overhanging the ground floor at the front. A central gable is proposed at the front. It is to be finished in facing brickwork on the ground floor with white render on all upper elevations and Fundermax Afro Patina cladding wrapping around the front/side corners. Extensive glazing is proposed for the rear, including a first floor terrace and second floor balcony. A dividing wall will be centrally positioned between the dwellings at the rear, narrowing as it rises to second floor level, to provide privacy between balconies.

The ground floor/lower ground floor is to contain a garage, store and workshop. The first floor has a study and kitchen/living room. The second floor contains three bedrooms and a balcony at the rear.

The rear of the buildings will continue to be accessed by stairs at the sides and the rising ground means that first floor will appear as ground floor at the rear, with the 'lower ground floor' cut in to the existing bank at the rear to form

the level of the terrace. A garden studio outbuilding is proposed for each dwelling on the lower garden level adjacent to the lagoon edge.

The building will measure 9.6m high at its highest point.

The application has been amended from its original submission to reduce the number of floors to three from four and to reduce the depth of the building at the rear.

Consultations

West Sussex County Council: The **Highway** Officer advises that in our comments dated 24th May 2018 further information was requested regards demonstration of suitably sized car parking spaces. The applicant was also asked to consider providing pedestrian visibility splays and to demonstrate that access to the parking spaces is achievable with the existing central refuge island in place.

The garages and external parking spaces are now shown of sufficient dimensions. I note the Design & Access Statement refers to the 'moving of the central refuge island to be negotiated with the council'. Nevertheless the applicant should demonstrate that access to the parallel parking bays is achievable from Brighton Road via swept path tracking. This will show whether the external walls in place, as shown by the Block Plan, hinder the manoeuvre. This manoeuvre should be shown by a car entering the site from both the west and east directions from Brighton Road and will confirm whether the refuge island does need relocating/ removing.

It is noted that a level of pedestrian visibility is now shown either side of the building; this area should be kept clear of obstructions above 0.6m in height, details of which could be secured by a suitably worded condition.

Conclusion
The LHA do not wish to raise transport grounds to resist the principle of the application. Nevertheless, the applicant should demonstrate that the proposed parking spaces are accessible by way of swept path tracking diagrams. This will confirm whether the external walls and refuge island hinder the manoeuvre and if so the applicant can be advised of the process to gain technical approval for the removal of this.

Please ask for this additional information and re-consult.

Subsequent comments: Thank you for this additional plan which demonstrates a car can enter each garage without the need to re-locate the traffic island. Without an additional space on the frontage the WSCC Car Parking Demand Calculator estimates a total demand of two spaces per dwelling meaning a shortfall in one space per dwelling. If residents did attempt to parallel park and this manoeuvre wasn't possible it could result in a car overhanging the footway. Any illegal parking could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980

(wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

You may wish to assess the shortfall in parking from an amenity point of view as this may result in additional on-street parking in the vicinity. However, a highway safety concern could not be substantiated for these arrangements.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Adur and Worthing Councils: The **Environmental Health** Officer advises that the area of development has been identified by DEFRA as an area severely affected by traffic noise and no scheme based on good acoustic evidence has been provided to protect the new residential dwelling from noise, therefore I would object to the application.

ProPG: Planning and Noise, describes an acoustic design process which seeks to deliver the best acoustic design outcome for a particular site. Any future noise assessment for the site will have to follow the principles of this guidance and shall deliver the internal noise level guidelines set out in BS8233:2014. The scheme shall also achieve as far as reasonably practicable the WHO guidelines for external amenity areas.

I also note that there is a lot of glass on the Southern facades with big bifold doors and very few openable windows; therefore there is a risk of overheating in the property during the summer months. With this in mind, and also taking into consideration the coastal weather environment and the traffic noise on the Northern facade, I would recommend that any acoustic scheme includes mechanical MVHR ventilation for the development.

Subsequent Comments: It will be acceptable to deal with this by condition.

The **Environmental Health** Officer (**Private Sector Housing**): The only means of escape in the case of fire from the second and third floor rooms is through the open plan kitchen and living rooms located on the first floor. Fire escape windows are not available on the north elevation as the cill are not low enough and would exit past the windows of the first floor kitchen on the south elevation. In any case, fire escape windows from the first floor or above are not acceptable to PSH as they replace one actionable hazard of Fire with another of Falling between levels.
The presence of a lift for disabled access also increases the risk level and raises the concern as to how a wheelchair user could escape from the building.

It may be that the applicants can adjust the layout to enclose the stairway at first floor level, but otherwise I would object on the grounds that actionable hazards under the Housing Act 2004 would be created.

The **Engineer** advises that the site lies within Flood Zone 3, is unaffected by predicted surface water flooding and has no history of flooding that he can locate.

The proposals are to demolish the existing property and replace it with a two three storey semidetached properties, locating the living space on the first and second floors which should be acceptable to the EA.

The surface water discharge will be directed from the roofs south into Widewater, whist it is intended to incorporate permeable paving for the hardstandings, both of these proposals are acceptable.

He suggests that the surface water discharge condition for this application should simply read as drainage to be as clause 4.36 of the FRA.

The **Waste Strategy** Manager: No objection. These properties can have a standard service and a storage place has been identified that is acceptable. We will collect from the front edge of the properties

Environment Agency: As this application is for replacement dwellings and the new finished floor levels for all sleeping accommodations will be above 5.41m AOD, we have **no objection** to the proposal. Furthermore safe refuge is available on upper floors.

According to our Flood Map for Planning (Rivers and the Sea) the proposed site is located in tidal Flood Zone 3 (High Risk). Flood Zones are indicative of the natural undefended floodplain (i.e. without defences) and their purpose is to indicate whether flooding could be an issue in an area.

In the Flood Risk Assessment (FRA) (April 2018) produced by Ambiental, it is mentioned that the 1 in 200 year 2115 flood level is 5.05m AOD. It has to be noted that this refers to a defended scenario. The undefended level is 5.41m AOD. Even though the site may currently benefit from flood defences, and this should be identified and referred to in the FRA, the residual risk of those defences failing or being overtopped must also be addressed. Our advice to local planning authorities and developers is to design their flood mitigation measures to ensure that the development is safe for its lifetime (now and in the future) without the reliance upon existing infrastructure.

Southern Water: In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example “The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect/ divert the public sewers, prior to the commencement of the development.”

Lancing Parish Council: No objection

Relevant Planning History

ADC/0023/08 – Demolition of existing house and erection of pair of semi-detached four-bedroom houses with integral garages - approved

Representations

Original Plans: 2 letters of objection received from the occupiers of 168 and 168B Brighton Road:

- Size of building will dwarf neighbouring property and look oversized in street scene
- No other 4 storey buildings in this stretch of Brighton Road
- Impact on light and privacy
- Excessively tall

1 letter of support from the occupiers of 164, 190C, 194, 248 Brighton Road:

- Will improve Lancing's housing stock
- Will enhance the area
- Sympathetic materials
- Impressive design

Amended Plans: No representations received

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 3, 13, 15, 18, 20, 22, 28, 34, 35 and 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
National Planning Policy Framework (July 2018)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The proposal constitutes infilling within the built up area of Lancing and can be supported in principle under policy 2 of the Local Plan subject to compliance with other policies. It would make a small contribution towards the Council's housing delivery.

Visual amenity

The design and size of the building has been reduced from that originally submitted. Its height has been reduced by removing a third floor and replacing it with a small roof terrace towards the rear of the building. The footprint of the building has also been reduced by limiting the rearward projection to more closely reflect the footprint of the previous approved scheme.

The design of this proposal is considered to be an improvement on the 2008 scheme and it will complement the increasing mix of styles along Brighton Road as the housing stock is gradually replaced with more contemporary housing.

The proposed materials have been subject of discussion and a lighter tone to the cladding has been secured.

In scale terms, the building will not appear overly dominant, with its highest point (the pitched roof over the central gable) being only 0.4m higher than the ridge of 168 to the west. It will be wider in the plot than its neighbours but it maintains at least 1m gap to each side boundary and good spacing to each neighbouring building will remain.

The roof terrace will not be visible from Brighton Road and will be only available from the rear across the Widewater Lagoon. It is not considered to be a harmful feature.

Residential amenity – proposed occupiers

The proposed dwellings will have a generous internal floor area which comfortably meets the national housing standards. As well as the rear garden area, the dwellings will benefit from a roof terrace and second floor balconies.

Bedrooms in the properties would be exposed to traffic noise from the busy Brighton Rd and in line with the Environmental Health Officer's recommendation a suitable condition to secure effective noise mitigation is required.

In general, however, it is considered the proposed dwellings are well laid out and would provide a good standard of family accommodation.

Residential amenity – existing occupiers

The building has been reduced in size to reduce the impact on the neighbouring occupiers. To the west, 168 Brighton Road contains two flats with side windows facing the site and, as originally submitted, the depth of the building had the potential to reduce light to those properties. The revised plans are more sympathetic and the proposal is not considered to result in serious harm to the amenities of neighbouring occupiers. Side windows are to be obscure glazed and the roof terrace is centrally positioned on each dwelling to prevent harmful overlooking. There is good separation to 172 to the east to prevent any harmful impact.

Parking and Access

Each dwelling will have a garage space for 1 car. There is space on the frontage but it has been demonstrated that it would not be possible to manoeuvre a vehicle into this space and so there will be a shortfall of 1 space per property. However, there is parking available on the street and it is not considered that this will result in any significant amenity issues for the area.

Flood Risk and Drainage

The site lies within an area of flood risk and the plans show no accommodation on the ground floor/lower ground floor. The Environment Agency has no objection on this basis, particularly as safe refuge is available on upper floors.

The Council's Engineer also has no objection.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Details of fencing
4. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect/ divert the public sewers, prior to the commencement of the development
5. Surface water drainage to be as clause 4.36 of the FRA and no living accommodation on ground floor
6. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.
7. Samples of materials
8. Details of scheme to deal with road noise
9. CMS
10. Construction hours
11. Obscure glaze side windows
12. Removal of PD
13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved site plan.
14. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
15. 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 submitted to and approved by the Local Planning Authority.
16. No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Brighton Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Flood resilience and resistance
The Environment Agency recommends that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

They recommend reading the following guidance:
'Improving the flood resilience of new buildings'
'Prepare your property for flooding: A guide for householders and small businesses'
They also recommend that the owner/ occupants sign up to the Environment Agency Flood Warning Service.

Southern Water x 2

Demolition Notice

Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding

Private Sector Housing informative

Highway Informative
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

Case Officer: Peter Barnett Date: 12 October 2018
Authorised by: Gary Peck Date: 12 October 2018