Expiry Date – 8/12

Development Control – Delegated Officer Report

Application Number: AWDM/1622/20 Recommendation – Refuse

Site: 103 South Street, Lancing

Proposal: **Change of use of first floor flat to 5no. bedroom House of Multiple Occupation (HMO). Development includes first floor extension to east elevation including new metal staircase access to first floor and loft conversion with 2no. rooflights to west, 1no. dormer window to west and 1no. rooflight to south. Proposed rear kitchen extension to ground floor restaurant on east elevation.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 17.11

Site and Surroundings

This application relates to a mid terraced two storey building on the east side of South Street close to the junction with Roberts Road. The property has a restaurant at ground floor and a two bedroom flat at first floor.

The restaurant has a flat roofed rear extension with a large metal flue extending out and back across it before extending up the rear wall. The flat is accessed from an alleyway adjoining 31/32 Roberts Road through a gate and up an external staircase across the flat roof. This passageway serves the rear of other properties further south in South Street too and wraps around the rear gardens of some Roberts Road properties also.

To the north, is a double fronted carpet shop with residential over and to the south a launderette with a flat over accessed from a rear staircase also.

This is a secondary frontage within Lancing town centre. It is not in a conservation area and is not listed.

Proposal

Planning permission is sought to replace the ground floor rear extension extending it in length by 800mm to the depth of the two storey flat roofed extension at No. 101. A new rearranged metal staircase is also shown. The existing hipped roof two storey outrigger is to be extended to the depth of the new ground floor with a flat roof. A new flue will run up the side of the first floor addition. A modest rear dormer is proposed along with three rooflights. Existing air conditioning units are to be repositioned onto the first floor flat roof. Two new windows are proposed in the south side wall of the outrigger.

It is proposed to convert the flat into a five bedroomed HMO with bin stores for the restaurant and HMO in the rear garden along with cycle parking for two bikes.

Relevant Planning History

L/38/06 – Relocation of air conditioning units. Granted 25.04.06

L/42/05 - Retention Of 2 Air Conditioning Units Of S.Side At First-Floor Level. Refused. Appeal Dismissed.

L/206/03 - Single-Storey Rear Extension To Restaurant & New External Stairs To Flat Above. Granted 30.1.04

L/88/03 - Change Of Use From Betting Office To Restaurant And Alterations (Including External Rear Stairs) To Firstfloor Flat. Granted 1.7.03

Consultations

Environmental Health: *'I would recommend that an acoustic assessment is undertaken for this development and the proposed noise mitigation scheme included as a condition of any permission.*

South Street is a busy road and a noise assessment will be needed to ensure the residential property is adequately protected from traffic noise. There is the commercial noise from the restaurant below that may impact on the bedrooms above and finally there is the kitchen extract noise that appears to vent under the loft conversion window. The assessment should cover all three noise sources and ensure that adequate noise protection is provided and alternative ventilation proposed where necessary. I would recommend that the insulation scheme, for protecting the upper floor residential units from the commercial noise below, achieves a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB).'

Private Sector Housing:

'No objection in principle - if permission is granted, the applicant will need to apply for a licence to operate the HMO and this will determine the number of occupants based upon facilities provided. The applicant should contact the Private Sector Housing team at an early stage to discuss their requirements.'

Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary
This proposal is for the change of use of first floor flat to five-bedroom House of Multiple Occupation (HMO), including associated extensions to ground floor and first floor. The site is located on South Street, an A-classified road subject to a speed restriction of 30

mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access
No vehicular access or parking is associated with this development, which is the existing arrangement. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern. In addition, the LHA does not anticipate that this proposal would give rise to a significant material intensification of movements to or from the site.

Parking
WSCC parking standards for HMO developments requires 0.5 parking spaces per bedroom. Therefore, the LHA would expect a provision of 2-3 spaces for a development of this size. Therefore, vehicular parking would have to be accommodated on-street, as per the existing arrangement.
Whilst on-street parking is limited in the vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered detrimental to highway safety. The LHA does not anticipate that the proposed nil car parking provision would give rise to any highway safety or capacity concerns. The LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

The applicant has not demonstrated cycle parking provision. Cycling is a viable option in the area and the LHA would like to see secure and covered cycle parking provision implemented, to promote the use of sustainable transport methods.

Sustainability
The site is situated in a sustainable location within walking/cycle distance of shops, schools and other amenities. The site is also well connected by public transport services; Lancing Train Station is located approximately 550m north of the site, and regular Coastliner buses can be caught from nearby Brighton Road, approximately 350m south of the site.

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 109), 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.'

Operational Waste:

'The internal bin store is not a suitable location as this appears to be behind a secure door which the refuse and recycling crews will not have access to and is not the responsibility of the crews to go into a property and remove the bins to service them. Unless the landlord is to make a single resident have sole responsibility of placing the bins out at kerbside on the day of collection. It is my recommendation that an external binstore/shed is erected to house the required number of bins for the development. As this is being converted into rooms/HMO rather than individual flats the number of bins required will be 1 x 240 litre refuse bin and 2 x 240 litre recycling bins. Allocations of bins are based on individual flats and not those properties that are converted into rooms. Where the latter is the case then a standard bins are issued.'

Southern Water:
'Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.
To make an application visit developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.'

Technical Services:

'Flood risk- The application is within flood zone 1, the site is shown to not be at risk from surface water flooding. We therefore have no objections to the proposals from a floodrisk perspective. Surface water drainage- the application includes only very small changes to impermeable area, we therefore have no conditions to request. Surface water must not be disposed of to the foul sewer.'

Lancing Parish Council: *No objection.*

Representations

One objection received from 97A South St:

- The size of the extension will affect light to neighbouring properties.
- Limited access to property.
- Inadequate parking.
- Too much development in the area.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2, 3, 9, 15, 20, 28, 34 and 36 including 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The principle of development can be supported as it upgrades a restaurant in the town centre and creates a licensable HMO, for which there is a known need, in a sustainable location. For consideration is the impact of the proposals on the character and appearance of the area and the impacts of the development on neighbour amenity. Transport and refuse collection are also important considerations.

Character

The neighbouring property to the north, No.101, has a flat roofed two storey red brick rear extension to the depth of the proposed rear extension. This extension is clearly visible from Roberts Road across a car park area to the rear of 99-101. The proposed extension will be no more visible. The rear external staircase will be more visible but this is not untypical of High Street rear elevations and there are rear staircases on both adjoining properties. The flue will be less visible, which is to be welcomed.

The rear roof extension is sensitively designed and acceptable.

Neighbour amenity

No. 105, has a rear facing window in the main wall and a north facing window in its side wall described in a previous application as bedroom windows. It is considered that the 7.3 metre deep first floor extension proposed will harm the light to and outlook from these rooms.

The proposed side bedroom window will look across to the bedroom at 105 within 2 metres. Although indicated to be obscurely glazed this is not ideal for a bedroom, especially in an HMO where an occupier is likely to spend more of their time. The window shown close to the end of the side wall will directly face the rear staircase and garden area of 105. The plans show this window to be obscurely glazed also. This is acceptable as this is a secondary kitchen window. Restricting its opening will also be necessary to prevent a loss of privacy to occupiers at 105A.

No acoustic report or ventilation report has been submitted. It is therefore not possible to assess whether the new or relocated flue will disturb neighbours or occupiers in terms of noise or smells. The relocated air conditioning units should be included in any noise assessment too as they are to be elevated and no longer hidden behind 101's wall. Environmental Health would expect any noise assessment to consider road traffic noise and noise from restaurant activity also.

The extension will take the new development within 10 metres of the side wall and rear garden boundary of 31 and 32 Roberts Road. As this is across a shared passageway it is not considered that significant overlooking would occur.

Highways/refuse

This is a sustainable location and there is scope for increase cycle storage in the rear yard. Refuse storage is shown and presumably as now this will need to be wheeled out to the Roberts Road kerb on collection day.

Recommendation
REFUSE for the following reasons:

1. The depth of the first floor rear extension will be harmful to the light to and outlook from bedroom windows at No. 105 South Street. The proposal is also not accompanied by a noise assessment to demonstrate that the new extract equipment, relocated air conditioning units, restaurant activity and road noise will not be harmful to neighbour amenity or to future occupiers living conditions. The proposal is therefore contrary to policies 15, 20 and 34 of the Adur Local Plan and the National Planning Policy Framework.

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(s) 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. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 8.12.2020

Authorised and signed by: Peter Barnett Date: 8 December 2020