expiry
31.03.08

Development Control – Delegated Officer Report

Application Number: ADC/0075/08 **Recommendation - Refuse**

Site: **68 - 70 Brighton Road Lancing West Sussex BN15 8LW**

Proposal: **Conversion of garages and stores to recreational rooms**

The application relates to a pair of semi-detached houses located on the south side of Brighton Road, within the built up area of Lancing within flood zone 2 and 3.

The houses were formerly used as independent residential dwellings, but they have subsequently been granted permission for change of use to a residential care home (including mental health care) for 10 residents aged 18-65 years old (L/13/04/TP).

The current application is for the conversion of the ground floor garages and store rooms into recreational rooms (including two music rooms, reading room, games room, two bathrooms and a kitchen).

Previous application for conversion of the houses into a larger care home for 20 adults (L/85/03/TP) was withdrawn after objection from the Environment Agency on the grounds that it was considered unacceptable to have habitable rooms on the lower ground level as this would present an unacceptable risk to inhabitants with regards to flood risk.

Consultations and Representations

Environment Agency: Object to the proposed development on the grounds that they consider the proposed recreational rooms to be habitable rooms, and that the location of habitable rooms on the lower ground level is unacceptable in terms of flood risk to the occupants. Information submitted for the original development (L/13/04) stated that all habitable floor levels would be set at 5.190m AOD with no habitable rooms at lower ground floor level.

Third Parties: The owner of the Golden Sands holiday Park which surrounds the site has raised concerns that residents of the Park already complain about noise and that there is no guarantee that if converted the rooms would not disturb residents. He is also concerned that the rooms could be converted into bedrooms should permission be granted, and that traffic may damage the entrance to both properties. They raise the point that the works may not be carried out to a sufficient standard or completed correctly.

[Any approval would be subject to a materials condition which would cover the standard of the appearance. Damage to any boundary wall

would be considered a civil matter not covered by the determination of this application]

Adopted West Sussex Structure Plan 2001-16 (WSCC 2005): LOC1, CH1, DEV1, DEV4-5, ERA4.
Adopted Adur District Local Plan 1993-2006 (ADC 1996): AG1, AP3, ACS3, AH10.
PPS25 'Planning and Flood Risk' (ODPM 2006).

Policies
The main concern is that the property is sited within Flood Zones 2 and 3 and is considered to be at a high risk of flooding. The original approval for the change of use to a residential care home was on the basis that the ground floor garages were not to be converted into habitable accommodation.

Policy ERA4 of the Structure Plan states that development should not be permitted in areas at risk or potential risk of fluvial or coastal flooding or where it would increase the risk of flooding elsewhere. Policy ACS4 of the Local Plan states that development will be permitted for doctors, dentists and other health practitioners subject to the effect on amenity of surrounding dwellings being judged to be acceptable.

Flood Risk
The Environment Agency have made a strong objection on the basis that the previous approval for conversion of the residential buildings to a residential care home (L/13/04) was dependant on the ground floor level remaining un-converted. The issue with the current proposal is that the garage level is within the flood zone and the recreational rooms would be inhabited by occupants considered vulnerable due to virtue of their age or infirmity, and would be at particular risk during any flood event. The conversion in principle is unacceptable on the grounds that it does not comply with PPS25.

Residential amenity
The original planning approval for conversion of the residential properties into a care home was subject to a condition requiring parking of cycles and vehicles. The condition required plans to be submitted and approved however this was not done and the condition was not dismissed. The parking of bicycles is usually required to be covered and secure. In this instance the garages would provide ample storage for any such bicycles and the conversion of them would require some other facility to be provided. The large hardstanding to the rear of the premises could accommodate such a structure and it is not considered that the loss of bicycle storage would warrant a reason for refusal.

The proposed conversion of the garages for recreational use would result in the most western room being used for recreation rather than its current use as a garage. It is unlikely that the use of the garages for other purposes would prove to have an adverse effect on the nearest holiday caravan due to noise disturbance.

Recommendation

REFUSE for reason that :-

D1R

On account of the very low-lying level of land, in the absence of contrary evidence provided by a flood risk assessment, undertaken in accordance with the advice in PPS25, the proposal would be likely to result in an increase in the number of people at direct risk of flooding, contrary to policy ERA4 of the West Sussex Structure Plan 2001-2016.

Case Officer:
Date: 28/3/08

PB 31/3/08