Expiry Date – 13/2

Development Control – Delegated Officer Report

Application Number: AWDM/1841/17 Recommendation – Refuse

Site: **158 Brighton Road, Lancing**

Proposal: **Demolition of existing detached dwelling and construction of two 4 bedroom semi detached dwellings over 3 and half storeys.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 25/1/18

Site and Surroundings

This application relates to a two storey house with single storey side and rear extensions on the south side of Brighton Road. The property has been unlawfully converted into two flats. The house backs onto Widewater which is a saline lagoon, a secondary sea defence embankment and designated Site of Nature Conservation Importance, very popular with bird watchers. The site is on sloping land such that the house is single storey only at the rear, with a room in the roof. The rear garden then slopes down again to the water's edge.

The existing house is a painted and rendered property at ground floor and weather boarded at first floor and has a stepped access to the rear garden on the west side and a shallow ramped entrance on the east side. It has a hipped pyramidal roof. To the east is a fully gabled two storey house, with loft accommodation, in a row of five similar properties and to the west, 156, is another house the same as the application property. This property is also the subject of a current planning application, AWDM/1921/17 refers.

This area is predominately inter war suburban housing but has seen significant amounts of more modern and intensive infill on the south side of 3 storeys, most recently at No. 152 which includes a strong central front gable feature taller than the main roof.

The site and coastal strip sit in Environment Agency flood zone 3. There are parking bays outside the house and a bus stop is very close by. The A259 is a busy and wide coastal road.

Proposal

Planning permission is sought to replace the existing house with 2, four storey houses from the front, 3 storeys from the rear.

The proposal is to be ‘ Scandiahus’ in design i.e. flat roofed with continuous side walls and the fourth floor set back from the front and rear elevations. The build is to virtually follow the same width and depth of the existing extended house, excluding the rear conservatory. The first floor is to be supported on columns at the front with recessed garages beneath, common with recent redevelopments in the vicinity. Ground levels are modestly altered with a raised ground floor rear patio and second and third floor rear terraces.

Proposed materials include a painted and rendered finish with eternit cladding to the central first and second floors at the front with the fourth floor zinc clad. Windows are a mix of shapes and sizes.

The property is not in a conservation area and is not listed.

Relevant Planning History

AWDM/0045/17 - Retention of change of use of building from single dwellinghouse to two flats (retrospective). Pending

ADC/0337/06 - Rear conservatory. Granted 27.10.06

L/91/99/TP/18011 – Single storey side extension. Granted 29.7.99

L/135/87/TP/1377 - Two-Storey Extension At Side To Provide One-Bedroom Self-Contained Flat. Granted 28.7.87

L/76/84/TP/3124 – Garage. Granted 15.6.84

L/86/79/TP/6993 - Extension To Rear And Garage To Side. Refused 30.4.79

Consultations

Environment Agency

‘Thank you for consulting the Environment Agency on the above planning application. We have reviewed the submitted plans and relevant information and have the following comments.

Environment Agency Position
*We have **no objections** to the proposed development, **subject to the inclusion of the below condition** in any permission granted.*

Condition - Flood risk mitigation
The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (RGP Design ref. D1003/FRA/1.1, dated July 2015) and the following mitigation measures detailed within the FRA:

 No habitable rooms at ground floor

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons
The site is located within tidal Flood Zone 3 of our Flood Map. This indicates land with a high probability (1 in 200 year) of flooding from the sea, in accordance with the national Planning Practice Guidance (PPG) (ref. 7-065-20140306). The design flood level (1 in 200 year) including an allowance for climate change, is 5.4mAOD.

The FRA does not assess the impact of flooding in this event, or specify the level of habitable accommodation at first floor in mAOD. Based on the submitted section plans however, it would indicate that internal inundation of the first floor would be expected during the design flood event, in an undefended scenario.

However, we recognise that the existing building includes a self-contained ground floor flat with no internal safe refuge available above the design flood level.
The replacement dwellings will ensure both units have no habitable accommodation at ground floor (where the risk is greatest), and that both units have safe refuge available above the design flood level.

Therefore, despite the inadequacies of the FRA, we have no objections to the proposed development, subject to the above condition.

It is also noted that it is recommended that the occupiers sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan. On this basis we have no objection to the proposal, but we would recommend that the sleeping accommodation is moved from the first floor to the second floor, in line with the sequential approach required by paragraph 103 of the NPPF.

Flood warning and evacuation – Advice to LPA *Please note that it is not our role to assess any details on flood evacuation or emergency plans, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/ users covered by our flood warning network.*

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. The PPG states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (PPG Ref ID: 7-057-20140306).
We therefore recommend seeking comments from your Local Authority emergency planners.

Flood resilience and resistance *We recommend 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.*

We recommend reading the following guidance:
'Improving the flood resilience of new buildings'
'Prepare your property for flooding: A guide for householders and small businesses'

Consultation with the relevant building control department is recommended when determining if flood proofing measures are effective.'

Southern Water

'Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

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.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".'

Council's Drainage Engineer:

Having original objected to this application the Council's drainage engineer is content to see the application conditioned to require surface water drained to Widewater with permeable paving at the front and rainwater harvesting. The applicant's agent has confirmed these options are being considered.

Highways

'Context & History
West Sussex County Council was consulted previously on Highway Matters for this location under planning application AWDM/0045/17 seeking the retrospective change of use of 158 Brighton Road, Lancing from a single dwelling into two flats. No Highways concerns were raised; this application is currently pending consideration.

This application seeks the demolition of158 Brighton Road and the construction of two x 4 bedroom semi-detached dwellings over three and a half storeys.

The site is located on Brighton Road, which is 'A' classified (A259) and subject to a 30 mph speed limit at this point. The site is well served with pedestrian links to local amenities and services. The site is also served with public transport to the services and amenities in Lancing and Shoreham and beyond.

Access
Vehicular access is currently achieved via an existing dropped crossing providing 58 Brighton Road two off street car parking spaces.

This existing crossover would remain to serve the most western plot. The eastern plot would need to be provided a new vehicle crossover. The works on the highway must be implemented under licence to a specification obtained from WSCC Highways. The proposed dropped crossing will result in the loss of an on street car parking provision, for which the Local Planning Authority may wish to consider the amenity implications of this loss.

Parking & Turning
The design and access statement details that each plot will be provided with three off street car parking spaces and the provision to turn on site. Upon review of the proposed site plan I do not consider the submitted plans demonstrate this position.

The garages would be considered appropriately sized (minimum of 3 x 6 metres) and therefore can be considered part of the allocated car parking provision while also providing a cycle parking solution. Any hardstanding spaces should measure a minimum of 2.4 x 4.8 metres, which does not seem to have been provided. Ideally the frontage spaces should measure 6 metres in length given they would front garages.

Based upon each dwelling being provided with one allocated parking space, it would be anticipated that each dwelling would attract the demand for a minimum of two car parking spaces. Nevertheless consideration has be given to the sustainable location of the site. On balance the provision of one garaged space per dwelling would not be considered substantive grounds for a highways Objection. The Local Planning Authority may wish to consider the amenity implications of additional on street car parking. The applicant may wish to consider revising the parking strategy so that each dwelling can be provided with additional parking space.

Similarly I do not consider the submitted plans demonstrate an adequate turn on site. Nevertheless I'm mindful that the precedent of vehicle crossovers in this location without a turn on site is well established and notably was occurring at this site as per the existing situation. I would not be minded to conclude that two dwellings accessing A259 in this location in such a way would result in a 'severe' safety issue that could be substantiated.

Conclusion

The Local Highways Authority 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 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to grant planning consent the flowing conditions and informative note would be advised:

Access
No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety

Parking & Garages
No part of the development shall be first occupied until such time as the garaged parking provision has been constructed in accordance with the approved site plan. The garage building shall be used only as private domestic garages for the parking of vehicles and cycles incidental to the use of the properties as dwellings and for no other purposes.
Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Informative Note

Minor Highway Works
The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.'

Waste Services Manager – '*The form states that the bins will be placed in the utility rooms. We don't have a view on that but they would need to be placed at the front edge of property for collection. They can be provided with a set of standard bins for each of the two properties.'*

Environmental Health

1. Concern is raised over the potential for noise to be a serious consideration to residents of the new dwellings when assessing loss of amenity due to their close proximity to a busy road (A259).

DEFRA Road noise maps indicate that the night time noise level is 55-65dB which exceeds the WHO Community guideline of 45dB at the facade. The maps also suggest a day time noise level of around 55-65dB at the facade, which when estimated inside with a partially open window gives a lowest and best case scenario of 40dB which exceeds the WHO guidelines of 35dB inside the dwelling. Additionally the maps suggest the outdoor amenity space is 55-59 dB which again exceeds the WHO guidelines of 50dB.

Noise from the adjacent road will need to be measured and assessed against standards to establish the potential for loss of amenities. I would request that a condition be attached to any permission granted and I would suggest the possible wording below as it is likely that significant mitigation will be required to ensure noise does not affect the residential amenity of any future occupiers.

"Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the road has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall achieve the indoor ambient noise levels for dwellings specified in BS8233:2014 and have regard to the principles contained within the World Health Organisation community noise guidelines. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme meet the specified levels."

2. As this site is in very close proximity to existing residential dwellings I have concerns about the resulting noise and dust associated with the demolition and construction works affecting nearby residents. I would recommend the following conditions.

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.
Monday - Friday
08:00 18:00 Hours
Saturday 09:00 13:00 Hours
Sundays and Bank Holidays no work permitted.

Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.

Representations

No letters from neighbours received.

Councillor Patmore called this application in on the basis of the additional floor. He is content to see it determined under delegated powers if recommended for refusal.

Lancing Parish Council objects to the proposal on the grounds that the scheme is overbearing in nature by being higher than surrounding properties.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2012
Adur Local Plan 2017 Policies 1, 2, 3, 13, 15, 18, 20, 22, 31, 34, 35 and 36 including Development Management Standard No. 1 – Space around New Dwellings and Flats.

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.

Government Planning Policy within the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of a presumption in favour of sustainable development (paragraph 49), which is defined as having three strands:

- an economic role, contributing to a strong economy and supporting economic growth;
- a social role, providing a supply of housing to meet current and future needs and creating a high quality built environment with accessible local services; and
- an environmental role, contributing to protecting and enhancing the natural, built and historic environment.
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The new Local Plan does not demonstrate a 5 year supply of deliverable housing land against Objectively Assessed Need as required in the National Planning Policy Framework and allied Practice Guidance. In such circumstances paragraph 14 of the NPPF states that unless the proposal is at variance with its restrictive development policies, it should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

Policy 15 looks for new development to be of a high architectural quality and to respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should not have an unneighbourly effect on the residential amenity of existing dwellings and should provide an adequate standard of amenity for future residents. Drainage, access, parking and servicing arrangements must be acceptable.

<u>Visual amenity</u>

The scale of the proposed building is much greater than others in the immediate area. Its overall height may be comparable to the gable detail at No. 152, though this is not clear as the submitted street scene drawing is inaccurate, but the proposal is fully 4 storeys from the front and flat roofed. It does not have a differing eaves and ridge line and as such its mass and proportions are significantly greater. It is also cramped on the plot leaving staircase access to the rear gardens at either side only. The proposed building also has little or no articulation on the front elevation, purposely designed it would appear to have a flat fronted cuboid appearance. However, this just adds to the solidity and mass of the building. Sitting between two much smaller properties the difference in scale would be very noticeable and harmful to local character.

To the rear is a local nature reserve, Widewater, where original houses which back onto this area appear generally single storey, some with rooms in the roof. They also have more space around and between them with their hipped roofs. Recent infills are

generally two storeys at the rear. The proposed house would be fully three storeys at the rear. It would appear aggressively out of scale and box like to other properties in the vicinity, including the more recent infills. Its elevated position relative to the water would exacerbate this impact. It would not sit quietly in its gentle rear context.

Residential amenity – the living conditions of future occupiers

The proposed dwellings would each have an internal floor area of approximately 145 square metres (including the integral garage) which meets the minimum floor area for a 4-bedroom 3 storey dwelling stipulated in the Technical Housing Standards. The proposed dwellings would each be provided with a rear garden sloping down in terraces to the edge of Widewater Lagoon, having an overall depth of 12 metres and an area of approximately 80 square metres. This falls short of the minimum garden area of 100 square metres required for a large semi-detached dwelling in the Council's Development Control Standard No.1 but is adequate in the circumstances, bearing in mind the quality of the space and the rear balconies. However PD rights should be withdrawn to prevent further unacceptable erosion of amenity space.

Bedrooms in the properties would be exposed to traffic noise from busy Brighton Rd and in line with the Environmental Health Officer's recommendation a suitable condition to secure effective noise mitigation would be 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 – effect on the amenities of neighbouring occupiers

Adequate distance between the west flank wall of the proposed dwellings and the flank of No. 156 is maintained as 156 has a garage and parking area between its flank wall and the site. No. 156 also appears to be in two flats with the ground floor flat and east side windows partly obscured by parked vehicles and the garage on site.

No. 160, to the east, is a two storey house with windows in the west flank wall. It has not been possible to gain access to No.160 to see what these windows serve but it is probable that some are secondary windows or bathroom. A double width parking area sits within the boundary of No. 160 adjoining the site but an overbearing impact is possible.

Accessibility and parking

The site enjoys reasonable accessibility. Each dwelling would be provided with 2 parking spaces (one garage one open) similar to many other recently approved developments here with no on site turning facility. The Highway Authority raises no objections. Cycle parking can be accommodated within the integral garage.

Other environment issues- Flood risk/ecology

The Council's drainage engineer has confirmed he is content to see surface water drained to Widewater, rather than the soakaway originally proposed and permeable paving at the front. These matters could be dealt with by condition. The ecology of Widewater does not appear to be under any threat from this development.

Quality of Drawings

The quality of drawings submitted has not helped in the presentation of this application. The proposed block plan is overlaid on the existing block plan and suggests the rear conservatory is to be retained. It is difficult to read. The side elevations do not include the front railing proposed. A rear staircase is suggested on the floorplan but it is not clear on the rear, side or section drawings.

Recommendation REFUSE for the following reason:

By reason of their scale and massing the proposed dwellings would appear visually dominant in relation to neighbouring properties and would intrude unacceptably within the streetscene to the detriment of the visual amenity and local character of the area. If permitted, the proposed development would set a precedent which would make it difficult to resist other over large and unsympathetic developments, the cumulative effect of which would detract from the established character and built environment of Brighton Road and Widewater Lagoon. The proposed development is therefore contrary to policy 15 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 discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is 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: 13/3/18
Authorised and signed by:	Peter Barnett	Date: 13 March 2018