# Development Management – Delegated Officer Report

**Application Number: AWDM/1318/23 Recommendation: Approve**

**Site: 94 Brighton Road, Lancing**

**Proposal: Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces (Amended resubmission of AWDM/1519/22)**

**Date of Site Visit: 7 November 2023**

**Neighbours Checked: Y**

**Additional neighbour notification: N**

**Proposal, Site and Surroundings:**

This application relates to a two storey house with rear dormer on the south side of Brighton Road. The property backs onto the Eastern Sands caravan park. Typically land banks up from Eastern Sands with the rear gardens being at first floor level when viewed from the front.

The existing house has a side porch and driveway with recessed flat roofed detached garage on its west side. There is a double width crossover shared with No. 92 and outside the site itself is a triple length parking bay and a single bay outside No. 92.

No.94 has recently been extended with a hip to gable roof extension and rear dormer. Composite pale green and grey cladding has been added to its upper floor and roof.

No. 92, to the east, also has a driveway and detached garage to the side. This garage has a shallow dual pitched roof and is linked to the house by an enclosed porch. There is a habitable room window behind the porch.

Planning permission is sought to demolish the garage and to erect an attached 1 bed dwelling over 3 floors, including a rear dormer. It also involves the removal of the existing side porch and first floor side bay window from the existing house. At ground floor undercroft parking is proposed to retain the side access door to the existing house. Parking provision would be 2 spaces, to be shared between the existing and proposed houses.

A recessed ground floor will contain non habitable accommodation, comprising the main entrance, a utility room and shower room with cycle store behind. A side

passage to the rear garden continues under the first floor where bins and recycling is to be stored. The first floor has a kitchen/diner to the front, a bathroom and a south facing living room. There is one bedroom in the roofspace. The ridge height will be the same as the existing house.

The application follows the refusal of a previous application earlier in the year. The proposal has been amended since that refusal to move the house further from the boundary so that is 6.5m from the side of No.92, compared with 6.3m in the last application and 5.8m in an earlier application.

The building is 1m off the boundary with No.92 and has introduced a part hipped roof to its western end, with small side dormer.

**Planning History:**

AWDM/1519/22 - Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces – refused for the following reason:

*Due to proximity to the boundary, scale and design the proposal represents a cramped overdevelopment of the site which would be harmful to the living conditions of occupiers of No. 92 Brighton Road due to a loss of light and overbearing impact and harmful to visual amenity and the streetscene of this part of Brighton Road. The proposal is therefore contrary to policy 15 of the Adur Local Plan (2017), Development Management Standard No.1 'Space Around Dwellings and Flats', Technical Housing Standards - nationally described space standard (DCLG 2015) and the National Planning Policy Framework.*

AWDM/2055/20 - Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces - withdrawn

AWDM/1539/21 - Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces - refused

ADC/0374/08 - Two-storey side extension and single-storey rear extension with balcony above - approved

L/91/05 - Attached New Two-Bedroom House (With Rooms In Roof) On West Side With Access & Parking (And Rear Dormer On Roof Of Existing House) - approved

**Consultations:**

**West Sussex County Council: The Highways Authority: Access and Visibility:** The plans shows that a new vehicular crossover is proposed in place of the existing,

and it suggests that it is to be widened. If works to the existing access are proposed, the applicant is advised to obtain the appropriate consents from WSCC prior to implementation. From inspection of WSCC mapping, there are no apparent visibility issues with the existing point of access onto Brighton Road. The LHA does not anticipate that the addition of one dwelling would result in an intensification of movements to or from the site. 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 existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

**Parking and Turning:** The applicant proposes to demolish an existing single-car garage and replace with two parking bays. One parking space will be provided to both the existing and proposed dwellings. The WSCC Car Parking Demand Calculator indicates that both dwellings would require four car parking spaces between them. Consequently, overspill parking would have to be accommodated on-street. 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 a detriment to highway safety. The LHA does not anticipate that the shortfall of two parking spaces would give rise to a highway safety concern or capacity issue, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. On-site turning will not be achievable, so vehicles may have to exit the site in a reverse gear. However, this is the existing arrangement which has operated safely with no known highway safety concerns.

The applicant has demonstrated a cycle parking store. The inclusion of secure and covered cycle parking provision, in accordance with WSCC parking standards, helps promote the use of sustainable transport methods.

**Sustainability:** The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. Regular coastliner bus services can be caught nearby on Brighton Road. Lancing Train Station is situated approximately 1.6km northwest 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 111), and that there are no transport grounds to resist the proposal.

Conditions: car and cycle parking

**Adur and Worthing Councils: PSH:** No objections on PSH grounds

**Public Health:** The acoustic report is fine and I have no objections subject to the noise mitigation recommended in the report being implemented, i.e. the proposed roof construction as assessed, glazing and the MVHR ventilation system recommended in the report.

I would advise the following conditions:

Noise
The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment (ref: 10438A Dated 26/09/2022) and all works which form part of the approved scheme (including roof construction and acoustic glazing) shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014.

Ventilation
Construction work shall not commence unless and until a detailed ventilation plan for the development has been submitted to and approved by the local planning authority. The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work as well as the units should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Hours of construction
Works of construction or demolition, including the use of plant and machinery, 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

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works

Dust
Construction work shall not commence until a scheme for the protection of the existing neighbouring premises 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.

**Drainage**: The applicant is applying for permission to develop an attached three storey dwelling with same ridge height as no.94 plus 2no. parking spaces.

Following a review of the submitted information we would not recommend the approval of the application until a sequential test has been completed in compliance with NPPF, due to the proposed development being located in flood zone 3. Once

this and the exception test have been submitted and passed, we will be able to provide comments regarding surface water drainage.

**Drainage**: **Final comments following receipt of updated drainage information**: Recommend approval subject to conditions

**Southern Water:** Recommend condition:
Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Lancing Parish Council**: Councillors felt there was not enough information to comment

**Environment Agency**: No objection subject to the following condition:
The development shall be carried out in accordance with the submitted flood risk assessment and plans (ref: Revised Stage 1 Flood Risk Assessment. Land adjoining 94 Brighton Road, Lancing, West Sussex BN15 8LW', by A. C. Rollings, dated October 14, 2021) and the following mitigation measures it details:

• Sleeping accommodation is to be located on the second floor (7.2 m AOD) (sections 4.3 & 9.4 of the Flood Risk Assessment, and as shown in the plans)

**Representations**

Letter of objection received from the occupier of 92 Brighton Road:

- This is the third proposal submitted by the current owner and there was another by a previous owner.
- Reiterates previous objections
- Application for redevelopment at 90 Brighton Road as well, so potential development at both neighbouring properties, which is upsetting
- Covenant prevents building of additional houses
- House would be overbearing and obtrusive
- Overlooking of garden and patio
- Loss of privacy
- Loss of light to ground level room and porch and east facing first floor window of sunroom
- Insufficient parking - none for existing house
- Surface water drainage concerns

**Relevant Planning Policies**

Adur Local Plan 2017 Policy 1, 2, 3, 9, 15, 18, 19, 20, 22, 28, 34, 35 and 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around Dwellings and Flats''
Technical Housing Standards – nationally described space standard (DCLG 2015)
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

**Planning Assessment**

**Principle**

The principle of development can be supported as it creates a family unit of accommodation on a brownfield site. For consideration is the impact of the proposals on the character and appearance of the area, the impacts of the development on neighbour amenity, the highways network, flood risk and future occupiers' living conditions.

**Visual amenity**

An end of terrace dwelling would not in itself be out of character in this location. The particular design, with undercroft parking, is a familiar feature of other developments nearby albeit as part of a new build pair or terrace rather than added to an existing semi detached house. This arrangement was also part of the 2005 permission for an end of terrace dwelling.

A 1 metre wide boundary clearance and side passage adjacent to No. 92 has been provided this time to ensure compliance with Development Management Standard No. 1 Space Around Dwellings and Flats which seeks to avoid a cramped development and protect neighbours from harm.

The pulling of the house further from the boundary and the hipping of the roof improves the relationship with No.92, increases the spacing and prevents a cramped appearance. The provision of a small dormer in the side roofslope is considered to be acceptable in visual terms. The resulting terrace of three dwellings will be imbalanced with a gable at the eastern end and a part gable at the west end. However, the existing semi-detached pair also had an imbalanced appearance prior to No.94's recent roof extension.

The rear dormer extends over part of the hipped roof and attaches to the side of the side dormer, resulting in a slightly awkward appearance. It will be largely hidden from the road by the side dormer but will be glimpsed in limited views between Nos 92 and 94 and will be more visible from the caravan park and seafront path to the rear.

On balance, the benefits to the neighbouring property, in terms of the provision of the hipped roof, are considered to outweigh this minor design concern and it would not be sufficient reason to refuse the application on this ground alone.

**Residential amenity - neighbouring occupiers**

The only affected neighbour is at No. 92 which has a shallow hipped roof garage between the site and their main flank wall. There is a habitable room window in the ground floor flank of No. 92 behind the porch. Outlook/light for this window is partially obstructed by their own garage. However, morning sunlight to this window will be further obstructed by the proposed house, and daylight will be reduced to some extent.

However, the scale and proximity of the new dwelling will be less overbearing to No. 92 than previous schemes. The new dwelling is now 1m off the shared boundary and no longer has a gabled end. The hipping of the roof reduces the bulk on the boundary and will allow more light to be received to the side of No.92. The dwelling is now similar in appearance and scale to the approved scheme in 2005 and, on balance, it is considered that there is insufficient harm to justify refusal.

**Residential amenity - proposed occupiers**

The noise assessment demonstrates that future occupiers will not be unduly affected by road noise. There is no objection from Environmental Health subject to safeguarding conditions.

The floor area of 71sqm for this 1 bedroom 2 person 2 storey unit exceeds the minimum 58sqm required in the DCLG's Technical Housing Standard 2015.

A small rear garden area is proposed and the proposal will also reduce the garden area for No.94 itself. While less than the standard expected for new terraced dwellings in Development Management Standard No. 1 'Space Around Dwellings and Flats', the small gardens will be comparable to the houses in the immediate area and it is not considered that this would be a sustainable reason for refusal.

**Parking and Access**

The proposal is to create two off street parking spaces on the forecourt in an undercroft arrangement, altering the existing crossover. The plans show a parking space for the existing and proposed house. Whilst this number of spaces falls short of the required standard and overspill will have to be accommodated on street, the Highway Authority is satisfied that this will not give rise to a highway safety concern

or capacity issue.  There is considered to be sufficient availability of parking on street in the vicinity of the site and this should not give rise to an amenity issue.

**Flood Risk and Drainage**

The application site is located in flood zone 3. The NPPF stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 160). The Local Plan undertook a sequential, risk based approach to the location of development which took in all sources of flood risk. However, in view of the extent of housing need and the scarcity of land the Local Plan still had to allocate land at flood risk (New Monks Farm and Western Harbour Arm). The lack of land within the District meant that there were no sequentially preferable sites that could be allocated instead of these sites and the Plan still resulted in a shortfall of over 3,100 dwellings.

As this site is not allocated for development and falls within Flood Zone 3 there is a requirement for a sequential assessment to be undertaken. The sequential assessment requires a review of available sites for development with a preference for sites at lower flood risk to be developed first.

In terms of other potentially sequentially preferable sites local plans officers have reviewed the brownfield sites submitted as part of Strategic Housing Land Availability Assessment (SHLAA) and have resolved that the only sites that are potentially available are coming forward for development anyway given the demand for housing within the District. These windfall sites were anticipated as part of the Local Plan process and as a result there would still be a significant shortfall of housing even if all sites came forward. Therefore there is considered to be justification for development in this case.

In terms of the Suds hierarchy, infiltration has been discounted as a suitable means of surface water discharge due to high groundwater levels at this site. The proposed drainage design is therefore to discharge to an existing combined sewer, which has been accepted by Southern Water, with peak run off rates no greater than the corresponding pre-development scenario. The Council’s drainage consultant is satisfied with this approach and has no objection subject to conditions.

With regard to flood risk, the Environment Agency has confirmed that the submitted Flood Risk Assessment is acceptable, in particular the positioning of bedrooms at second floor level.

**Recommendation**

APPROVE, subject to the following conditions:

1. Approved Plans
2. Standard time limit
3. External materials
4. CMP
5. The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment (ref: 10438A v 2.1 Dated 26/09/2022) and all works which form part of the approved scheme (including roof construction, acoustic glazing and MVHR) shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014
6. Works of construction or demolition, including the use of plant and machinery, 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
   Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works
7. Prior to the commencement of development, detailed surface water drainage network calculations for the site have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage calculations must demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms that show that there is no flooding in the critical storm for storm events up to the 1 in 100 (1%) AEP and any above ground flooding is safe and does not leave the site uncontrolled. Construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms, and a construction method statement shall also be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed, utilising an attenuation tank and post development runoff rate of 3.5l/s as per the agreed drainage strategy statement, and shall remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority

8. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
   • A timetable for its implementation.
   • Details of SuDS feature and connecting drainage structures and maintenance requirement
   for each aspect including a drawing showing where they are located.
   • A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company
9. Prior to the first use of the development, a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of “as built” drawings plus photographs of excavations (including soil profiles/horizons), installation of any surface water drainage structures and control mechanisms
10. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water
11. The development shall be carried out in accordance with the submitted flood risk assessment and plans (ref: Revised Stage 1 Flood Risk Assessment. Land adjoining 94 Brighton Road, Lancing, West Sussex BN15 8LW’, by A. C. Rollings, dated October 14, 2021) and the following mitigation measures it details:
    Sleeping accommodation is to be located on the second floor (7.2 m AOD) (sections 4.3 & 9.4 of the Flood Risk Assessment, and as shown in the plans)
    These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements.
    The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development
12. 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.

13. 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
14. Removal of PD
15. Obscure glaze west side dormer window

**Is recommendation contrary to letter(s) of representation Y**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Works within the Highway – Area Office Team
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Case Officer: Peter Barnett Date: 14 March 2024

Authorised by: Gary Peck Date: 14 March 2024