Expiry Date – 13/5/19 EOT agreed to 23/8

Development Control – Delegated Officer Report

Application Number: AWDM/0372/19 Recommendation – Grant

Site: Land between 76 and 78a Brighton Road, Lancing

Proposal: Erection of 6no. 3-bedroom semi-detached 3-storey town houses with integral garages and raised rear gardens.

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 3/5/19

Site and Surroundings

This application relates to a 48 metre wide green swathe embankment or bund on the south side of Brighton Road east of the Old Salts Farm Road junction. The site fronts the A259 where there are houses either side, including three storey houses, and opposite. It sits in front of Beach Park caravan park beyond which is the sea. Beach Park is also in the ownership of the applicant.

The site is within flood zone 3a and the bund acts as a sea defence.

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

Proposal

Planning permission is sought to part excavate the mounded site and to erect three pairs of three bedroom semi detached houses. The development will have three floors at the front and two floors at the rear. Land is to be raised at the rear to create levelled rear gardens and to reinstate the flood defences. Integral garages are proposed and all three bedrooms are at second floor level.

The overall height is less than that of the terraced houses to the east and only marginally higher than the chalet bungalow to the west. The houses sit off the east boundary with No. 78a by 3 metres. The existing right of way between the street and the caravan park, on the east side of the development, is shown to be retained.

On the opposite side a gap of 6 metres is left to the side boundary with No. 76 for drainage purposes and the bund is not to be removed here.

Relevant Planning History

None relevant.

Consultations

Highways England: No objection:

**on the basis that we are satisfied that the proposal will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity*;

Highways:

'*The LHA would raise no concerns to this proposal and would advise the following conditions and informative notes.*

Conditions

- *Car parking space*
  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.
  Reason: To provide car-parking space for the use

- *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 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.

Informative

- *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.

- *Traffic Regulation Order*
  The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed removal of parking bays outside the site. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.'

No S106 contributions required.

Environment Agency:

We have reviewed the information the applicant has provided and subject to the inclusion of the condition below we can withdraw our previous objection.

The submitted Flood Risk Assessment states that all sleeping accommodation will be on the second floor, with finished floor levels set at 7.6 m AOD. This demonstrates that there will be safe refuge for future occupants from flood risk taking into account the impacts of climate change.

The proposed development will only meet the terms of the National Planning Policy Framework's requirements if the following planning condition is included:

The development shall be carried out in accordance with the submitted flood rsik assessment (by A.C Rollings, dated 21st February 2019) and the following mitigation measures it details:

- *All bedrooms shall be located on the second floor with finished floor levels that shall be set no lower than 7.6 m above Ordnance Datum (AOD).*

This mitigation measure shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice to LPA/applicant

We strongly recommend the use of flood proofing and resilience measures . Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime if you'd like to find out more about reducing flood damage, visit the flood rsik and coastal change pages of the planning practice guidance. The following documents may also be useful.

Department for Communities and Local Government: Preparing for floods
http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf
Department for Communities and Local Government: Improving the flood performance of new buildings:
http://www.communities .gov.uk/publications/planningandbuilding/improvingflood

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, 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.

The planning practice guidance to the National Planning Policy Framework sates that in determining whether a development is safe, the ability of residents and users to safely access and exit during a design flood and to evacuate before an extreme flood needs to

be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emregncy services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

Southern Water:

'Southern Water would have no objections to the above proposal.

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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructurecharges.

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".,

Environmental Health:

'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.

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 noise assessment should also consider the maximum night time noise levels the property is exposed to and ensure the final acoustic design is sufficient to mitigation against these noise peaks.

I would recommend that any acoustic scheme includes mechanical MVHR ventilation for the whole development if windows need to be kept closed to achieve good internal noise levels. The Southern facade, contains a lot of glass and fronts the coast. If the place is shut up during the day during hot summer months or storms are coming in from the sea, passive trickle ventilation alone will be inadequate. The developer should ensure the rooms are not at risk of overheating.

I have no objections to the development in principle but I will have to object to the application as presented as no acoustic assessment or mitigation has been included in the scheme.

Once permission is given, I would recommend a demolition and construction management plan, given the proximity of the development to the public footpath and road. There will be significant ground works and thought will have to be given to how soil will be removed from site without obstructing the road. We will also need to know where waste and building materials will be stored for the development.'

Technical Services:

'Thank you for the opportunity to comment on this application, the site lies in flood zone 3 the gardens of the proposed new builds might be affected by modelled surface water flooding, but I can find no record of any flooding of this site.

Whilst I have no issues with the proposals, the living and sleeping quarters are well above predicted flood levels and surface water drainage is to be discharged via soakaway, the EA may have reservations.

My only concern is how the 12 car parking areas at the front of the properties are to be drained.

Subject to receiving a satisfactory answer I would have no issues with this application.

I will raise a holding objection until I receive a response.'

Representations

Two objections from residents of 76C Brighton Road summarized as follows:

1. Loss of flood defences
2. Loss of a dozen on street parking spaces making parking for existing residents difficult.
3. Houses will obstruct view of existing residents exiting and entering their own drives.

4. These houses will add to the existing congestion on Brighton Road and add to pollution.
5. The applicant has sealed up the adjoining right of way and rear access from one of the neighbouring houses onto this private land.
6. Loss of light to the rear of 78C
7. These homes are not required as multiple homes are being built in the area.
8. The development should be halved to mitigate the harm identified.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2, 3,15, 20, 30,34 and 36 including 'Development Management Standard No. 1 Space Around Dwellings' and 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.

Planning Assessment

Principle

The principle of development can be supported as it provides 6 family homes within the built up area boundary. 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. Flood defences and flood resilience must also be considered together with highway matters and future occupiers living conditions.

Character

This site lies within the built up area boundary and is in an established residential area with houses on three sides. To the rear is a caravan park. There have been many developments of three storey houses along this south side of Brighton Road. These three storey houses are lower in scale than other infill development and will be less tall than the three storey houses to the east.

Typically the houses have integral undercroft garages with a 6.8 metre deep forecourt in front and each pair of houses shares a driveway. At first floor is an open plan kitchen/dining and living room with three bedrooms, an en-suite and a bathroom at second floor.

The houses have projecting gable features at the front, again common to others in the street and at the rear the second floor overhangs by 500mm. The materials are shown as facing brick with a weatherboard detail under a slate roof. All appropriate to this location.

Neighbour amenity

The three storey houses to the east have a 1 metre wide side passage. The proposed houses are set off this common boundary by 3 metres. 78a has two obscurely glazed windows in its side wall and a door at ground level. The proposed houses will extend

approximately 300mm beyond the rear wall of 78a at rear ground floor level and 800mm at rear first floor level. Given the separation distance between them this extra depth will not be harmful. The proposed houses sit further back from the pavement edge than 78a.

No. 76, to the west is a chalet bungalow from the front. The proposed houses are much closer to the road than 76 and will not affect the side window in it. Upper floor landing windows are shown in the side walls of the proposed houses. These are conditioned to be obscurely glazed and non opening below 1.7 metres. Again no neighbour harm will occur.

Opposite the site on the north side of the road are bungalows and two storey houses. The proposed dwellings are 30 metres away, less tall than the terrace adjoining and further back from the pavement edge. It is not considered any harm will occur to these houses.

The caravan park at the rear will be overlooked but not any differently to the houses either side. This caravan park is in the ownership of the applicant so it is possible that the nearest caravan could be relocated.

Flooding

The site is within flood zone 3a. It is not known to suffer from surface water flooding. The environment agency has confirmed they have no objection to the development provided bedrooms remain on the second floor and above 7.6 m AOD.

The embankment is to be excavated to enable the houses to sit at road level. At the rear the ground will be raised to create a garden area level with the rear ground floor level. This is similar to the arrangements for the houses to the east. It will also recreate the sea defences for the new houses as it raises the rear garden to the maximum height of the existing bund.

On the west side adjoining 76, 6 metres of the width of the bund is to be retained for flood defence/drainage purposes. A new wall is proposed in the rear garden and west side. The boundary treatment for the east side is unclear at this stage.

The FRA also lists measures built in to the scheme to protect residents from flood events. It includes a recommendation that residents be required to sign up to the EA flood warning service.

It is considered that safe exit and access is available to occupiers in a flood emergency.

Highways

Each house is provided with a garage and a forecourt. Three shared access points are to be created. On street parking for 6 to 7 cars will be lost as a result of this proposal.

The Highway Authority and Highways England consider the proposal to be safe. Most houses in the vicinity have off street parking. There is on street parking further west.

Cycle parking can be provided in the garages as they are 7 metres deep. Bin storage likewise or along the side passages.

Living conditions.

Brighton Road is DEFRA identified as being severely affected by traffic noise. The glazing will therefore need to be acoustically designed to suit the environment. This will need to be based on a site specific noise study. An appropriate condition is recommended.

Each house has a floor area of 144 sqm, including the integral garage which clearly exceeds the 108 sqm identified in the Technical Housing Standard. Each property has a rear garden area of approximately 60 square metres. This is well below the expected standard for large three bed houses but comparable to those next door. Given the proximity to the beach they are considered to be adequate.

Conclusion

This development makes good use of this land without increasing the risk of flood to future or surrounding residents. The design and scale is appropriate and adequate and safe provision for parking etc. is provided. This will provide 6 good family homes.

Recommendation

APPROVE - Subject to Conditions:-

1. Approved Plans
2. 3 years
3. Samples of materials
4. Details of boundary treatments
5. Details of hard and soft landscaping
6. Details of surface water drainage
7. FRA compliance
8. Acoustic glazing details
9. Construction management plan
10. Working hours
11. Car and access provided prior to occupation
12. Garages for parking and storage only
13. Flank windows obsc/1.7m cill
14. No new windows
15. PD restricted

Informatives

1. 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.

2. 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.
3. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed removal of parking bays outside the site. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
4. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructurecharges.
5. 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, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Is recommendation contrary to any representations? Yes.

Case Officer signed: MOK Date: 16.8.19

Authorised and signed by: Peter Barnett Date: 16 August 2019