Development Control – Delegated Officer Report

Application Number: AWDM/1537/17 **Recommendation – REFUSE**

Site: **75 Upper Brighton Road, Lancing, BN15 0JQ**

Proposal: **Single storey extension to north/east elevations; new metal cladding to south, east and west elevations. Conversion of first floor one bedroom flat into 2no. one bedroom flats**

Date of site visit: 04.09.2017

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a vacant, detached commercial lock-up unit located on a prominent corner site with the A27 Upper Brighton Road to the north and Busticle Lane to the west. There are traffic lights located on this junction, and the vehicular access into the site is situated off Busticle Lane, very close to the traffic lights.

The first floor is currently a mixture of residential and office use linked with the ground floor use, and an external staircase is the means of access into the first floor. The first floor is currently not an independent residential unit.

The locality comprises predominantly residential, comprising bungalows in the main.

Relevant Planning History:

S/1/90/TP/6120 Extensions (M.O.T. Bays). **Refused 13.02.1990**

S/25/94/TP/15603 Application For Cert Of Lawfulness For Display Of Vehicles For Sale On Forecourt & Use Of Power-Driven Machinery For Mot Testing & Gen Workshop Use **Approved 29.09.1994**

S/37/94/TP/15712 **I**nternally-Illuminated Pole Sign At Front And Non-Illuminated Signs On Buildings and Wall **Consent 29.12.1994**

S/39/94/TP/15714 Formation Of Pitched Roofing; Alterations; Removal Of Canopy; Replacement Of Workshop Roofing; And Associated Improvements **Approved 09.01.1995**

S/74/00/TP/18838 Alts To Convert F/F Flat To Offices, WC's & Wash Facilities Incidental To Car Showroom & Workshop In Add To New External Fire Escape Staircase On SW Side **Approved 04.12.2000**

AWDM/1232/17 Change of use of ground floor from car showroom to mobility and care products showroom (sui generis)**.** **Approved 29.11.2017**

AWDM/1550/17 5no. non illuminated fascia signs to north, east and west elevations for CareCo. **Current**

Proposal

Permission is sought for:-

1. A change of use of the first floor to be 2no. one bedroom flats;
2. A single storey front/side extension;
3. Metal cladding (Silver/Grey)to east, south (rear) and west elevations; &
4. New fenestration.

Consultations:

Highways England

"Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

Having examined the above application, we note that no parking plan has been provided showing the location of parking on site and designation of parking spaces. The development should have two parking spaces for residents in line with *"West Sussex County Council Guidance for Parking in New Residential Developments"*. Accordingly our advice is that the Council and applicant should seek guidance from WSCC Highways to ensure that adequate parking is provided. However, we are satisfied that the trips generated will be of a level that will not materially affect the safety and/or operation of the Strategic Road Network. Therefore we do not offer any objections or requirements relating to the proposal and attach our formal HEPR response form for your records.

Please also note that Highways England has recently concluded its Public Consultation on the proposed options for the A27 Worthing and Lancing improvements scheme, which opened on 19 July 2017 and closed on the 12 September 2017. The results of that consultation have not been determined and no Preferred Route Announcement (PRA) has been made at this time. In responding to this application, whilst Highways England are not formally objecting to the proposal it is advised that the applicant is made aware that there is a possibility that, depending on which scheme or variant thereof is progressed to PRA, then the development site could be affected by the final preferred route. Unfortunately, it is too early following the consultation to

advise on the extent to which the development may be effected if at all. In the event that the A27 Worthing and Lancing improvements scheme does not proceed, and subject to further detailed traffic analysis, Local Plan mitigation to deliver Local Authority housing to 2032 may also necessitate improvement at the junction, which may or may not affect the development site."

WSCC Highways :

"Context
This application seeks a single storey extension to the north-east elevations of 75, Upper Brighton Road, Sompting and the conversion of the existing first floor 1 bedroom flat into 2 x 1 bedroom flats.

The site is located at the junction of Upper Brighton Road (A27) and Busticle Lane. Access is achieved via an existing dropped crossing point of access from Busticle Lane, which is a 'C' classified road subject to a 30 mph speed limit at this point.

Extension
The proposed extension works will equate to 24.5 sqm and the proposal as a whole will result in a loss of overall commercial floorspace on site. As a result the proposed extension would not be considered to result in any material increase in vehicular activity associate with the site.

Flats
It is proposed to convert the first floor from a 1 bed flat and ancillary office space to 2 x 1 bed flats. Given the loss of office space it would not be anticipated that the proposed would result in a material increase in vehicular activity associate with the site.

Signage
No highway concerns would be raised to the proposed signage.

Parking
The only details provided pertaining to parking are within section 10 of the application form. In summary 6 car parking spaces will be lost and an additional 4 disabled spaces provided. This will result in 16 spaces and 4 additional disabled spaces being provided.

No plans have been provided to demonstrate these spaces, though this quantity of parking does seem to be achievable.

I can advise that each flat would create the anticipated demand for one car parking space each, presumably tis will be accommodated on site. This would result in 14 spaces and 4 disabled spaces being provided for the commercial use.

For commercial use class WSCC operates a maximum car parking standard, therefore given then application documents suggest fewer spaces will be provided this would not be an overriding concern. Nevertheless I have assessed the remaining 18 spaces against WSCC standards for a car

sales/garage use class of this floor space (as is the permitted use) and consider them to be in line with our standards.

With regard to disabled spaces WSCC advises that The Department for Transport guidance entitled 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure' (December 2002) is used. Within which it is advised that 'At least 1 space or 5% of the total parking provision should be allocated as Disabled Spaces'.

As such a minimum of 1 disabled space would be considered appropriate.

Given the principle of the car parking provision is considered acceptable I would be minded to accept that the car parking provision allocation and layout can be secured via an appropriately worded planning condition.

Each flat should be provided a secure and covered cycle parking facility in the interest of sustainability. I would be minded to accept that such matters could be secured via condition.

Other Matters
While the site is not directly accessed via A27, the site does abut it. The Local Planning Authority may therefore wish to consult with Highways England for their comments on the proposal and its impact upon A27, for which they are the Local Highways Authority.

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 Local Planning Authority is minded to grant planning consent the following conditions would be advised:"

Environmental Health:

Pollution: If ground works, full contamination condition required.

Noise: *I have no records on our system of any residential property at the above address. Therefore I am assuming a change of use will need to be included in the application.*

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 dwellings from noise, therefore I would object to the application.

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

***Housing**: The only means of access to the bedrooms in the proposed flats is through the high risk kitchen-living room and so they are inner rooms. The flats are at first floor level and so we cannot accept fire escape windows at this level, or over the roof of the ground floor commercial premises.*

I would therefore object to the development as it would create an actionable hazard under the Housing Act 2004.

Southern Water: 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".

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".

Waste:

As there is no mention of waste collections for the two flats proposed at this mostly commercial site I cannot comment on the plans.

Representations:

Sompting Parish Council:
Customer made comments in support of the planning application

Relevant Planning Policies

Adur Local Plan 2017: Policies15, 20, 34
Development Management Standard No.4 'Flat Conversions'
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to the proposal which would reuse an existing property within the built up area. The key concerns are the effects on neighbouring residential and visual amenities of the locality.

Application as submitted

Change of use of first floor to 2no. one bedroom flats

The application has applied to change the use of the first floor to 2no. one bedroom flats. The application form states that the plans do not incorporate

areas to store and aid the collection of waste and despite the forms stating that there are 22no. existing parking spaces available on site and that the change of use would require 20no. in total (including the disability spaces), none are shown on the plans.

Nevertheless, the application will be assessed based on the information available.

The first floor of the premises received planning permission in the year 2000 to convert the flat to offices; w.c.'s and wash facilities all incidental to the ground floor car showroom and workshop. The application also included a new external fire escape (**S/74/00/TP/18838** refers), and this permission has been implemented. Therefore the residential first floor flat has ceased to exist.

The neighbouring area is residential in use. Therefore, it would seem to be appropriate for the residential use to be returned to the first floor of no. 75. However, in the 17years subsequent to that planning permission, there have been many changes to planning legislation, and the important factors relevant to the current application are the need to comply with minimum room standards, and to provide an environment for future occupiers which is not demonstrably affected by the noise associated with the trunk road directly to the north of the site, namely the A27.

The room standards in accordance with Adur District Councils Development Management Standard No.4 'Flat Conversions', identify that for a one bedroom flat the total minimum floor area required would be 45 sqm Further, the Space Standards require the minimum of 19.5sqm of Living, Cooking, and Eating area; and 11 sqm Sleeping area.

In addition to the above minimum internal area requirements, there is a need for external amenity areas, which would be 20 sqm for each flat provided, which is normally in the form of communal areas.

External areas also need to include space for refuse storage (including for recycling waste). 2 adults typically generate 1.5 sacks per week for recyclable waste plus 1.5 sacks of residual waste (requiring two 140 litre wheeled bins each measuring 0.51m by 0.56m with a height of 1.07m). For a household with 2 adults and 2 children, this increases from 1.5 to 2.5 sacks (requiring two 240 litre wheeled bins each measuring 0.59m by 0.74m with a height of 1.07m). Larger wheeled bins accepted by the Council are 360 litre (0.6m by 0.88m and 1.1m high); 660 litre (1.36m by 0.77m and 1.24m high) and 1100 litres (1.36m by 1.77m and 1.47m high). The necessary space needs to be provided either within each curtilage for dwellings or communally for flats and high density housing, being in a convenient position for both the householders (including wheelchair users) and waste service operatives and their collection vehicles. In designing the layout for new housing, use should be made of dedicated bin stores or sufficient garden space for refuse storage (with bins capable of being wheeled to the front edge of the property).

<u>Internal space proposed for flats</u>

There is a notation on the proposed first floor plans which states that Flat 1 has an area of 59 sqm and Flat 2 has an area of 52 sqm. Both of these thereby will adhere to the Adur Local Plan minimum Space Standards.

Measuring the internal rooms, it is noted that they too will adhere to the Adur Local Plan minimum Space Standards, although none of the flats indicate a storage area per say, there is an indication of a wardrobe and units within the bedrooms and kitchen areas, which do not necessarily meet the brief of the Standards, but it is considered that further specific storage that meet the brief could be provided.

External space proposed

No external amenity space has been provided, although Flat 2 would have access to an existing 'Terrace' area which measures some 18.4 sqm, this is an enclosed space, with a roof. Flat 1 has no amenity area at all.

Bin storage

No bin storage, which should include recycling storage, has been provided for either of the flats.

Cycle storage

None has been identified on the plans.

Car parking

None has been identified on the plans.

Noise survey

This has been requested, but not supplied.

Access to flats

The ground floor plans indicate that the existing stairs to the first floor will be removed, thereby the only way into and out of the flats is via the existing external metal staircase to the rear of the building and right next to no. 82 Busticle Lane. The use of this staircase is considered at the very least to be inconvenient for the occupants and visitors of the flats, but unneighbourly for the residents of the neighbouring residential property.

Single storey extension & other changes to ground floor

Notwithstanding the proposed change of use relating to the first floor, the application also requires a single storey extension; external metal cladding; and changes to the fenestration.

Further information has been requested from the Agents several times, but to date none has been submitted.

The extension will have a flat roof and the plans show it to be 4m wide x 7m deep. It is believed to be 3.7 high to the sides and the front appears to be a parapet to the height of approx. 4.4m (although it scales from the north elevation as approx. 4.8m high). The plans notate the height as 4.12m to the flat roof and 4.906m to the parapet.

The extension is shown to be positioned to the front of the existing garage opening which itself has a parapet frontage, and will to the same elevational plane of the existing front and side. By positioning itself in this position, the side shop window will be lost, which will be of benefit to the neighbouring property to the east, no. 73 Upper Brighton Road.

The application also seeks to provide metal cladding to the outside elevational walls of the building. The plans are not a good representation of the cladding, but they do indicate that the fenestration will be changed also. The forms indicate that the cladding is to be silver/grey metal cladding. A condition attached to any approval requiring a sample to be submitted to the LPA would be appropriate as there is currently insufficient information to enable a proper assessment of its impact to be made.

The existing building is white painted render, but it has got very tired, and it is considered that the silver/grey cladding would bring the building together in a more cohesive manner. The cladding is shown to be on the front (north), most of the sides (east and west), but not the rear (south).

The fenestration changes will be to all of the elevations, with the majority of the windows being removed. The front elevation will have a smaller window present on the ground floor which will not be inappropriate for the proposed use.

The use is shown on this application to be sales and storage but does not identify specifically what the intended use is. However, an earlier application (AWDM/1232/17 approved 29.11.2017), gained planning permission to change the use of the ground floor from car showroom to mobility and care products showroom (sui generis). This application, although a different Agent, was for the same Applicant. It is therefore assumed that the use proposed for the ground floor will be as per the recently gained permission, although, the ground floor layout of the proposed use as approved, is very different from that shown on the plans to which this application relates. The approved use also did not include the proposed extension as per this current application.

This current application also indicates that the stairs to the first floor have been removed. Thereby, the only way to access the proposed flats would be via the existing external metal staircase to the rear of the site, and on the boundary with the neighbouring residential bungalow, no.82 Busticle Lane. It is considered that this point of access and exit to the flats would result in an unsatisfactory relationship between the proposed flats and the existing residential property.

Whilst the staircase may have been used from time to time in the past for the previous ancillary office accommodation, there is no evidence to show that this was the primary access into and out of the first floor. Occupiers and visitors of the proposed flats could be using the access staircase at any time

of day and night, including deliveries etc. There would not only be the nuisance caused by this means of access and egress to and from the flats, namely noise and disturbance, but there would also be a degree of overlooking from persons using the external staircase.

Summary and Conclusion

Whilst there are points within the application which show promise for the site, such as the provision of the extension and the fenestration changes, the application is lacking sufficient information to support the proposal for a change of use of the first floor to 2no. one bedroom flats, and further, the information relating to the whole site is also a little devoid of information.

The use of the first floor as residential needs more information particularly with regard to a sound survey, given the close proximity of the A27 trunk road, and the fact that it has been identified by DEFRA that the area is severely affected by traffic noise and no scheme based on good acoustic evidence has been provided which clearly shows that there would be protection to the new residential dwellings from noise.

The findings of the noise survey would influence the type of sound proofing needed for the flats, or indeed whether the residential use was in fact a viable option given the amount of road noise and the close proximity of the proposal. This cannot be controlled by condition; it has to be undertaken before any permission is approved.

In addition to the above, other matters that have not been adequately attended to are:-

1. Fire safety for the flats;
2. Outside amenity area for each of the flats;
3. The on-site car parking, which would identify the residential parking, the visitor parking, the customer parking, the staff parking and the disabled parking;
4. Cycle storage;
5. The waste management relating to both the proposed first and ground floor uses, which would also not result in a visually obtrusive storage of bins; and
6. The potential contaminated land re. the provision of the single storey extension;

There are too many matters that would need to be resolved before the application could be considered acceptable, and thereby it would be inappropriate at this stage to approve subject to conditions requiring the information be submitted before the uses are commenced.

In essence the application details submitted are much too vague and or devoid of information, to allow the proposal to be considered favourably at this time.

Recommendation REFUSE

1. In the absence of a noise assessment relating to traffic noise generated from the A27 trunk road and how it would affect any residential use of the property, together with what forms of sound proofing may be required, it has not been adequately demonstrated that the occupiers of the flats would not be severely affected by traffic noise. The proposed change of use of the first floor to residential flats is thereby contrary to Policies 15, 34 of the Adur Local Plan 2017 and the relevant policies of the NPPF
2. The proposed use of an external staircase as the sole means of access to the proposed flats is likely to result in a loss of amenity for the occupiers of neighbouring residential properties. The proposal is therefore contrary to policy 15 of the Adur Local Plan
3. The proposal contains no provision for private external amenity space for either of the flats. The proposal is thereby contrary to Policy 15 of the Adur Local Plan 2017, Development Management Standard No.4 'Flat Conversions' and the relevant policies of the NPPF

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

Case Officer: Eve Hearsey Date: 05.01.2018

Authorised by: Peter Barnett Date: 8 January 2018