Development Management - Delegated Officer Report

Application Number: AWDM/1418/20 Recommendation – Approve

Site: **170 Brighton Road, Lancing**

Proposal: **Variation of conditions 1 (Approved Plans) and 14 (Car Parking) of permission reference AWDM/0330/18 to allow replacement of garage with gym**

Date of site visit: Seen previously

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Permission was granted in 2018 to construct a pair of semi-detached three storey townhouses with roof terrace (AWDM/0330/18). The building will have a shallow pitched butterfly roof with the upper floors overhanging the ground floor at the front. A central gable is proposed at the front. It is to be finished in facing brickwork on the ground floor with white render on all upper elevations and Fundermax Afro Patina cladding wrapping around the front/side corners. Extensive glazing is proposed for the rear, including a first floor terrace and second floor balcony. A dividing wall will be centrally positioned between the dwellings at the rear, narrowing as it rises to second floor level, to provide privacy between balconies.

The ground floor/lower ground floor is to contain a garage, store and workshop. The first floor has a study and kitchen/living room. The second floor contains three bedrooms and a balcony at the rear.

The rear of the buildings will continue to be accessed by stairs at the sides and the rising ground means that first floor will appear as ground floor at the rear, with the 'lower ground floor' cut in to the existing bank at the rear to form the level of the terrace. A garden studio outbuilding is proposed for each dwelling on the lower garden level adjacent to the lagoon edge.

The building will measure 9.6m high at its highest point.

This application seeks permission for a minor material amendment which removes the garage from one of the dwellings and replaces it with a gym.

Consultations

West Sussex County Council: The **Highway** Officer has no objection. Comments that under minor material amendment AWDM/0822/19 the external parking was changed to a perpendicular space fronting the garage. The plans state that the driveway has parking for two cars and plans are altered to show gym rather than garage. As per WSCC guidance where a parking space fronts an entrance this should be 6m in length. The length and

width of second marked space is therefore likely to be reduced by entrance and bin store location and cannot be counted as a formal second space. Nevertheless, the onus is on the driver to ensure they park without overhanging footway. Furthermore, there are parking restrictions and dedicated on-street bays along Old Brighton Road which would prevent any overspill parking on-street nearby in locations that would be detrimental to highway safety.
In summary there are no highway safety reasons to resist the variation of condition to reduce car parking though the LPA may wish to consider this from an amenity point of view.

Adur and Worthing Councils: The **Environmental Health** Officer previously advised that 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, 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. The scheme shall also achieve as far as reasonably practicable the WHO guidelines for external amenity areas.

I also note that there is a lot of glass on the Southern facades with big bifold doors and very few openable windows; therefore there is a risk of overheating in the property during the summer months. With this in mind, and also taking into consideration the coastal weather environment and the traffic noise on the Northern facade, I would recommend that any acoustic scheme includes mechanical MVHR ventilation for the development.

Subsequent Comments: It will be acceptable to deal with this by condition.

The **Environmental Health** Officer (**Private Sector Housing**): The only means of escape in the case of fire from the second and third floor rooms is through the open plan kitchen and living rooms located on the first floor. Fire escape windows are not available on the north elevation as the cill are not low enough and would exit past the windows of the first floor kitchen on the south elevation. In any case, fire escape windows from the first floor or above are not acceptable to PSH as they replace one actionable hazard of Fire with another of Falling between levels.
The presence of a lift for disabled access also increases the risk level and raises the concern as to how a wheelchair user could escape from the building.

It may be that the applicants can adjust the layout to enclose the stairway at first floor level, but otherwise I would object on the grounds that actionable hazards under the Housing Act 2004 would be created.

The **Engineer** previously advised that the site lies within Flood Zone 3, is unaffected by predicted surface water flooding and has no history of flooding that he can locate.

The proposals are to demolish the existing property and replace it with a two three storey semidetached properties, locating the living space on the first and second floors which should be acceptable to the EA.

The surface water discharge will be directed from the roofs south into Widewater, whist it is intended to incorporate permeable paving for the hardstandings, both of these proposals are acceptable.

He suggests that the surface water discharge condition for this application should simply read as drainage to be as clause 4.36 of the FRA.

The **Waste Strategy** Manager: No objection. These properties can have a standard service and a storage place has been identified that is acceptable. We will collect from the front edge of the properties

Environment Agency: As this application is for replacement dwellings and the new finished floor levels for all sleeping accommodations will be above 5.41m AOD, we have **no objection** to the proposal. Furthermore safe refuge is available on upper floors.

According to our Flood Map for Planning (Rivers and the Sea) the proposed site is located in tidal Flood Zone 3 (High Risk). Flood Zones are indicative of the natural undefended floodplain (i.e. without defences) and their purpose is to indicate whether flooding could be an issue in an area.

In the Flood Risk Assessment (FRA) (April 2018) produced by Ambiental, it is mentioned that the 1 in 200 year 2115 flood level is 5.05m AOD. It has to be noted that this refers to a defended scenario. The undefended level is 5.41m AOD. Even though the site may currently benefit from flood defences, and this should be identified and referred to in the FRA, the residual risk of those defences failing or being overtopped must also be addressed. Our advice to local planning authorities and developers is to design their flood mitigation measures to ensure that the development is safe for its lifetime (now and in the future) without the reliance upon existing infrastructure.

Southern Water: No objection

Lancing Parish Council: No objection

Relevant Planning History

ADC/0023/08 – Demolition of existing house and erection of pair of semi-detached four-bedroom houses with integral garages - approved

AWDM/0330/18 - Demolition of existing building (Nos.170 and 170a) and erection of pair of semi-detached three-storey townhouses with roof terrace and garages and workshops on ground floor, new vehicular crossover and associated landscaping and car parking. Proposed studio and decked area adjacent to lagoon – approved

AWDM/0822/19 - Minor Material Amendment to AWDM/0330/18 to set back ground floor front (north) elevation and remove side walls at front of pair of previously approved semi-detached houses - approved

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 3, 13, 15, 18, 20, 22, 28, 34, 35 and 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
National Planning Policy Framework (2019)
Technical Housing Standards – nationally described space standard (DCLG 2015)

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. It would make a small contribution towards the Council's housing delivery.

Visual amenity

The design and size of the building remains fundamentally the same as previously approved. The replacement of the garage door with a window will imbalance the pair of dwellings but will only have a minor visual impact which does not detract from the overall appearance or character of the development.

Residential amenity – proposed occupiers

The proposed dwellings will continue to have a generous internal floor area which comfortably meets the national housing standards. The alterations to the lower ground floor do not diminish the standard of accommodation.

Residential amenity – existing occupiers

The amendments do not have any adverse impact on neighbouring occupiers.

Parking and Access

The loss of the garage space for 1 car means that only 1 space will remain on the frontage for a car to be parked off street. There are dedicated on-street bays along Old Brighton Road which would prevent any overspill parking on-street nearby in locations that would be detrimental to highway safety. It is not considered that there would be any amenity impact arising from this proposal.

There is no highway objection.

Flood Risk and Drainage

The site lies within an area of flood risk and the plans continue to show no sleeping accommodation on the ground floor/lower ground floor. The Environment Agency has no objection on this basis, particularly as safe refuge is available on upper floors.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Details of fencing
4. The development shall protect/ divert the public sewers in accordance with the approved details submitted under application reference AWDM/0826/19.
5. Surface water drainage to be as clause 4.36 of the FRA and no sleeping accommodation on ground floor
6. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.
7. Samples of materials
8. Details of scheme to deal with road noise
9. CMS
10. Construction hours
11. Obscure glaze side windows
12. Removal of PD
13. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved site plan.
14. 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.
15. 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.
16. No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Brighton Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

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.

Flood resilience and resistance
The Environment Agency recommends 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.

They recommend reading the following guidance:
'Improving the flood resilience of new buildings'
'Prepare your property for flooding: A guide for householders and small businesses'
They also recommend that the owner/ occupants sign up to the Environment Agency Flood Warning Service.

Southern Water x 2

Demolition Notice

Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding

Private Sector Housing informative

Highway Informative
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

Case Officer: Peter Barnett Date: 3 November 2020

Authorised by: Gary Peck Date: 3 November 2020