Development Control – Delegated Officer Report

Application Number: AWDM/1153/19 **Recommendation REFUSE**

Site: **6 Underdown Road, Southwick, Brighton BN42 4HL**

Proposal: **Change of use of basement to 1no. 1 bedroom flat with new rear extension, rear patio, bin and bike storage and 2no. car parking spaces.**

Date of site visit: 08.11.2019

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site relates to the basement of an existing property no. 6 Underdown Road, which is a 2 storey, plus basement, semi-detached property currently in commercial use. The basement is unoccupied and is currently being used for storage purposes. The basement lies on much lower land than the driveway access to the side on the property. There is a prefabricated double garage in quite poor condition positioned behind no. 6 and also a prefabricated storage building. Between these 2 no. structures is an existing parking area for up to 2no. cars. There is also a parking space outside of the ground floor commercial use to the front of no. 6.

There is a relatively recent 2 storey residential property constructed on the south side of the driveway access drive (no. 4 Underdown Road) fronting Underdown Road. Behind and to the side of no. 4 is 'Cross Road Rest Garden' an area of POS which contains trees, grass and seating areas.

The drive leads to the aforementioned prefabricated structures, and then continues downwards to 'Clifton Lodge', a more recent development comprising 4no. residential units. Clifton Lodge is on much lower land than the street and properties at the front.

There are trees on the side boundary of the new residential dwelling no.4 abutting the drive.

Proposal

Planning permission is sought for a change of use of the commercial basement to 1no. x 1 bedroom flat, together with the construction of a rear extension measuring approx. 3m wide x 5m long x 2.5m high (approx. 2.7m to the top of the proposed roof lantern).

Behind the proposed flat will be a patio area measuring approx.2.35m deep x 5.9m wide.

Behind the patio area will be a utility area containing 3no. bins and a washing line.

Behind the amenity area will be a car parking space and cycle storage area.

Finally behind this car parking space would be one other car parking space.

Relevant Planning History:

AWDM/1259/16 Demolition of existing detached garage in rear garden and erection of detached outbuilding to be used as commercial office (Use Class B1) with two parking spaces. **Approved 01.11.2016**

AWDM/0920/12 Demolition of existing outbuildings and erection of 1 x 2 bedroom, flat roofed dwelling with conversion of existing ground floor retail unit and basement stores to form 2 x 1 bedroom self-contained flats with associated parking and gardens. **Withdrawn 02.07.2013**

AWDM/0060/11 Change of use of ground floor and basement from commercial use to 2no. to 2no. 1 bed flats **Withdrawn 14.06.2011**

SW/47/05/TP Permanent continued use of basement as furniture repair and restoration workshop (retrospective) **Approved 05.08.2005**

SW/45/99/TP Resumption of use of basement as furniture repair workshop (renewal of SW/38/91) **Approved 17.09.1999 (Temp until 30.09.2002)**

SW/38/91/TP Continued use of basement as furniture repair workshop (renewal of SW/82/88/TP) **Approved 26.07.1991**

SW/16/93/TP Application for certificate of lawfulness for existing double garage at rear of site **Granted 21.04.1993**

SW/23/82/TP Change of use to basement from shop and workshop to furniture repair workshop **Approved 03.06.1982 (Temp until 30.06.1985)**

SW/53/05/TP Use of domestic garages for storage by double glazing company 09.09.2005

Consultations:

Southern Water:

"Southern Water requires a formal application for any new connection to the public foul and surface waste 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 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/infrastructure-charges

The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

a) An adequate soakaway or some other adequate infiltration system.
b) A water course.
c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding."

Environmental Health

"This site is situated on land which has been identified as potentially contaminated, for this reason I would recommend the following condition:-

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the LPA;

1. *A preliminary risk assessment which has identified; all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.*
2. *A site investigation scheme, based on 1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
3. *The site investigation results and the detailed risk assessment 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
4. *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the LPA.*

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the LPA), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the LPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the LPA.

The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to residential, the Council need to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register – and any remedial strategy where appropriate – should be provided prior to works commencing."

WSCC Highways

Access and Visibility

The site is served by an existing access off of Underdown Road. There are no apparent visibility issues at this access.

Parking and Turning

1 car parking space is proposed to the rear of the property. The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require 1 car parking space. Therefore the proposed parking provision is considered sufficient to meet the anticipated demand of the site.

Cycle parking is also proposed for the new dwelling. WSCC Parking Standards require at least 1 cycle parking space for dwellings with 1 bedroom. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

The proposed area for parking is of sufficient size to allow for 1 car parking space that meets the minimum specifications for single car bays of 2.4 x 4.8 as set out in Manual for Streets (MfS). There appears to be sufficient space within the parking area/access lane for vehicles to turn and exit onto Underdown Road in a forward gear.

Sustainability

The site is situated in a sustainable location within Southwick. Shops, schools and other local amenities are within walking distance from the property. Bus stops on the A270 are an approximate 5 minute walk and offer regular connections towards Rottingdean. Shoreham and Steyning. Southwick Train Station is a 10 min walk from the site. Cycling is a viable option for transport in the local area.

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 I not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Car parking space (details required);
Cycle parking

Adur and Worthing Councils Technical Services

Re-consultation

I object to this application to provide sleeping accommodation in the basement due to the high risk of surface water and groundwater flooding, and the historic occurrence of this."

First consultation

"The site is at high risk of surface water flooding. I therefore have significant concerns about the proposals for sleeping accommodation to be provided within the basement."

"I would like to clarify that I object to the proposed development. Adjacent gardens and properties have suffered historically from flooding. Providing sleeping accommodation in the basement could pose a danger to life.

Adur and Worthing Council's Private Sector Housing Team:

Re-consultation

"Objection.

Some aspects of the development would result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

1st Consultation

"The Housing Team have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

In this case the bedroom is both an inner room and has inadequate windows and outlook.

Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to

confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works."

Representations: None received

Relevant Planning Policies

Adur Local Plan policies: 1, 15, 36
Technical Housing Standards – Nationally described standards
National Planning Policy Framework
National Planning Practice Guidance

Planning Assessment

There is no objection in principle to the proposed change of use to provide a residential unit and a rear extension. The key concerns are the effects on the neighbouring residential properties, the standard of accommodation to be provided and the visual amenities of the locality.

Room standards

As a new residential unit the whole must conform to the nationally described standards.

The plans measure off as follows:-
Kitchen/Diner approx. 5.4m x 4.6m = 24.84 sq m
Lounge approx. 5.4m x 3m = 16.2 sq m
Bathroom approx. 1.9m x 3.4m = 6.46 sq.m
Bedroom approx. 3.4m x 3.4m = 11.56 sq.m

Total = 59.06 sq.m

1. As a 1 bedroom, 1 storey, 1 person flat, the minimum internal floor area & storage should be 39 sq.m

2. As a 1 bedroom, 1 storey, 2 person flat, the minimum internal floor area & storage should be 50 sq.m
3. The proposed flat thereby complies with both
4. The required built in storage for 1. above would be 1 sq. m
5. The required built in storage for 2. above would be 1.5 sq.m

6. The storage cupboards in the kitchen are approx. 2.5m x 600mm + 1.5 sq.m + 3.8 x 600mm = 2.28 sq.m Total = 3.78 sq.m

7. The proposed 1 bedroom flat will thereby conform to the Nationally described standards for internal space standards.

8. There will be no window serving the proposed bathroom, and the 2no. windows are shown to be opened up through the underground area at the pavement level. Currently there is no window visible at all at the front, and the proposal will open a window from above and below the

pavement level. A grill will be placed over the gap created to prevent accidents. A window to the side elevation is currently directly abutting the pavement. It is proposed to dig the pavement down next to the window, in order to gain a deeper window and again place a grill over the created gap for safety purposes.

9. The 2no. new bedroom windows created will be 0.64 sq.m & 0.9 sq.m in size.

The site is indicated as being within potentially contaminated land and within an area of high risk of surface water flooding. Indeed the Councils Engineers has raised an alert for the same reason.

The last known planning use of the basement was planning permission SW/47/05/TP for "Permanent continued use of basement as furniture repair and restoration workshop (retrospective)", this application was approved 5th August 2005.

Going through the consultation responses it is clear that the site has many issues.

Southern Water suggests that the design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

Environmental Health noted that the site as potentially contaminated

Adur Councils Technical Services have raised an objection due to the high risk of surface water and groundwater flooding which has been an historic occurrence here. Providing sleeping accommodation in the basement could pose a danger to life.

Adur Councils Private Sector Housing Team also raises objections as some aspects of the use would result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through risk room i.e. bedroom room, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

Individually each of these consultation responses would direct the planning office to consider refusing the application as there are clearly issues that are not conducive to the living standards of a residential use. That there are so many problems it is clear that the use of residential within the basement is totally unsatisfactory and indeed may also pose a danger to life.

Therefore, given the fact that the site is in an area of high risk surface water flooding, a commercial use for the building would be acceptable, but due to the ground water flooding issues, it is unlikely to be acceptable for the basement to be used for residential purposes. Indeed, this has been stated as such within the consultation response of the Councils Engineer.

Notwithstanding the fact that the room sizes would meet the National Room Standards, the living environment would be completely unsatisfactory, with limited light and outlook for the proposed bedroom and lounge, and could result in a danger to life through flooding.

Recommendation

REFUSE for the following reason(s)

1. Due to known surface water and ground water flooding issues and the lack of any Flood Risk Assessment, the use of the property for residential purposes, specifically for sleeping purposes, would be unacceptable and could result in a danger to life. The proposal is thereby contrary to policy 36 of the Adur Local Plan and the NPPF
2. The layout and design of the proposed flat would provide a substandard living environment for future occupiers by virtue of poor outlook, light and ventilation. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.

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

Case Officer: Eve Hearsey Date: 12.12.2019

Authorised by: Peter Barnett Date: 12 December 2019