Development Management – Delegated Officer Report

Application Number: AWDM/1247/23 Recommendation – Approve

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

Proposal: Proposed construction of 6no. townhouses and 2no. maisonettes (total 8no. dwellings), within four storey building

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 7 November 2023

Proposal, Site and Surroundings

This application relates to a 48 metre wide green swathe embankment 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, where there are houses and bungalows. It sits in front (north) of Beach Park caravan park beyond which is the sea.

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

Planning permission is sought to part excavate a 39m wide swathe of the embankment and to erect 6no. townhouses and 2no. maisonettes (total 8no. dwellings), within a four storey building. The ground floor will contain non-habitable accommodation, specifically garages, utility and storage. A bin store, cycle store and gym is shown in the central part of the building on the ground floor. The embankment will be retained either side of the building.

The building measures 11.7m high at its highest point, 8.8m to the parapet at 2nd floor and 11m to the top of the 3rd floor roof. It is to be finished in buff brickwork, metal cladding to the 3rd and 5th floors and to the oriel windows at 2nd and 3rd floor. Two parking spaces are to be provided for each townhouse, including within an integral garage. The maisonettes are to have one space each, with no garage, and are located within the central part of the building.

A terraced garden is to be provided at the rear for each unit with a rear roof terrace at 2nd, 3rd and 4th floor levels.

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.

To the west, a gap of 6 metres is left to the side boundary with No. 76.

The accommodation to be provided comprises 6 x 3/4 bed townhouses, 1 x 2 bed flat and 1 x 3 bed flat.

Relevant Planning History

AWDM/0372/19 - Erection of 6no. 3-bedroom semi-detached 3-storey town houses with integral garages and raised rear gardens - approved

Consultations

West Sussex County Council: The Highways Authority - The parking arrangements seem similar to the previous scheme. Therefore the LHA's previous comments in relation to the size of the garages and the length of the parking spaces in front of the garages still apply, this is to ensure that no vehicle is parked on the driveways and left overhanging the public adopted highway footpath.

The transport note supplied with this application provides evidence of parking demand in the local area using census data and compares it against the WSCC parking at new developments guidance for this location. 17 spaces under the guidance are recommended, however local census data indicates that for this level of development 12 spaces are required, the applicant is proposing 14.

The parking bay at the front of the site will need to be removed, a long dropped curb will need to be implemented and access protection H bar marking. This may be able to be carried out under a crossover licence from the area office, but it may need to be done under a minor section 278 agreement, the applicant should contact the agreements team at WSCC once planning permission is granted to discuss this.

Matters such as refuse collection and emergency access remain unchanged from the previous scheme.

2nd comments: Now satisfied with the garages being increased in size and the front hardstanding areas. Agree with the suggested condition for the type of garage doors to be used, if the LPA are happy that it meets the rules associated with conditions on developments.

Adur and Worthing Councils: Public Health: The Acoustic Assessment concludes that traffic noise will adversely affect bedrooms at the front of the property and that mitigation will be needed as a result.

The most appropriate way to deal with this would be for the layout of the premises to be designed so that all bedrooms are at the rear of the properties, something the report advocates in reference to good design. Where this is not possible then suitable noise mitigation and alternative means of ventilation will be required to rooms on the front facade.

Section 8.1 of the report proposes minimum glazing types for rooms to the front as follows: enhanced double glazing with minimum sound level differences of 40 dB for bedrooms, 36 dB for living rooms and 31 dB for dining rooms. As these will only meet the values specified within BS8233 with windows closed, an alternative ventilation

strategy will be required. The report outlines various options in Section 8.2. but these are to comply with Approved Document F and they do not necessarily equate to the air changes provided by opening a window.

Section 8.3 concludes that should the overheating strategy for the development rely on opening windows during the summer months for cooling purposes, there may be a risk of an adverse noise impact within bedrooms on the front façade. So an alternative means of ventilation will be required. This has not been included within the report. I suggest this is acoustically treated MVHR with an air supply from the rear.

If you are however minded to grant permission, then I recommend the following are attached as conditions:

Noise protection scheme
Hours of working
CMP

Private Sector Housing: No objections

Drainage: Recommend requesting some updated information from the applicant. Firstly, the applicant's calculations should utilise FEH data instead of FSR data, because FSR data is known to underestimate by approximately 20%. In addition, a winter CV value of 1 should be used instead of the current 0.84 and for the 100-year storm plus climate change, 45% should be used not 40% as recommended in DEFRA's climate change allowances. In addition, greenfield runoff rates for the proposed site should also be submitted. Winter groundwater monitoring and infiltration testing that complies with BRE 365 must be completed. Finally, paragraph 28 of the Planning Practice Guidance states that not owning the land is not a valid reason to the pass the sequential test. Recommend the application is not approved until update information is received that addresses these points.

Drainage 2nd response: Following a review of the updated information, we note that a network model is required to provide sufficient supporting evidence demonstrating the proposed pipes do not cause flooding. We also note that the applicant will be required to obtain consent from Southern Water regarding their proposed drainage scheme. Providing this is agreed, we would recommend the approval of the application with conditions.

National Highways: No objection

Environment Agency: No objection subject to compliance with FRA

Southern Water: Require details of foul and surface water drainage

Southern Water 2nd response: The submitted drainage layout shows surface water being connected into public foul system. Please note that surface water should be discharged of in compliance with part H3 of Building Regulations.

In situations where surface water is being considered for discharge to our network, we require the hierarchy for surface water to be followed which is reflected in part H3 of the

Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments

Lancing Parish Council: Support the application

Representations

6 letters of objection received from the occupiers of 78C, 219, 227, 235 Brighton Road and Beach Park, 70A Brighton Road:

- Loss of green embankment and important sea defence
- Right of way to beach has been blocked off
- Loss of light and overshadowing
- Increased pressure on parking/inadequate parking provision
- Loss of existing parking on road
- Overdevelopment
- Taller than other buildings
- Loss of privacy for houses and caravans
- Approval for 6no. semi-detached dwellings no higher than existing properties should be the limit here
- Risk to highway safety
- Increased noise pollution
- Out of keeping in design and appearance
- There is no pathway to the south
- No emergency exit from gardens to Brighton Road
- Trees and landscaping are outside of the site and cannot be provided

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1, 2, 3, 15, 18, 20, 22, 28, 30, 34 and 36
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'
Sustainable Energy SPD (August 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (December 023)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The principle of development can be supported as it provides 8 residential units within the built up area boundary. For consideration is the impact of the proposal 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.

Visual amenity and 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 and a four storey terrace was approved in 2021 at 106 Brighton Road (AWDM/1541/20). While the current proposal will result in a substantial building 39m wide and four storeys high it is considered to be a preferable design to the three pairs of three storey houses previously approved on this site. The bulk and mass is broken up by the recessed top floor, the taller central feature, differing materials and projecting windows.

The scale and design is considered to be acceptable in this location where there is an increasing variety of buildings.

Residential amenity – impact on neighbours

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 1.7m beyond the rear wall of 78a. Although this will result in some overshadowing in late afternoon/early evening, given the separation distance between the buildings this is not considered to be harmful, particularly as the highest part of the building is centrally located, much further from the boundary.

No. 76, to the west is a chalet bungalow from the front. The proposed houses are closer to the road than No. 76 and a good distance from the side boundary (6m). Two small obscure glazed windows are shown in the side walls of the proposed houses. These will be conditioned to be obscurely glazed and non opening below 1.7 metres.

Opposite the site on the north side of the road are bungalows and two storey houses. The proposed dwellings are 30 metres away. While they will close an undeveloped stretch of the road and introduce a new, tall building where there is currently none, it is not considered that any significant harm will occur to the houses opposite. The height is similar to other buildings in the street where a similar relationship occurs to the houses opposite.

The caravan park at the rear will be overlooked but not any differently to the houses either side.

Residential amenity – proposed occupiers

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. A noise report has been submitted which specifies the use of MVHR throughout the entire building, with the intake and exhaust to the rear of each dwelling. The EHO is happy with this approach with details subject to a condition.

Each unit comfortably meets the national standard. Each property has a rear garden area of approximately 50 square metres. This is well below the expected standard for

large three bed houses but is comparable to those next door. Given the proximity to the beach they are considered to be adequate.

Flood risk and Drainage

The site is within flood zone 3a. Bedroom accommodation is not proposed on the ground or first floors. The Environment Agency has no objection subject to a condition to secure compliance with the submitted FRA, specifically finished floor levels for all sleeping accommodation shall be on the second floor or above and set no lower than 7.7m 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 just below first floor level (rear ground floor). This is similar to the arrangements for the properties to the east. A brick retaining wall is proposed at the end of the gardens to provide a flood defence.

On the west side adjoining No. 76, 6 metres of the width of the bund is to be retained for flood defence/drainage purpose with 3m retained on the east side.

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

In terms of surface water drainage, the proposal shows an attenuated SuDS arrangement with discharge to the public sewer at a reduced rate of 2.0 litres/second. Infiltration has been demonstrated not to be feasible from in-situ soakage testing and there are no nearby watercourses in which to discharge surface water. This leaves the available option of discharging to a sewer to manage surface water runoff from the site. Although this sewer is shown as a foul sewer on the Southern Water asset maps, it has been established through survey work at other sites along Brighton Road to be a combined sewer, as it receives rainwater runoff from properties in the area.

The Council's drainage consultant has advised that the applicant will be required to obtain consent from Southern Water regarding their proposed drainage scheme. Providing this is agreed, they have no objection subject to conditions. Southern Water requires final details of the drainage scheme to be submitted for approval and has advised that it must follow the hierarchy for surface water disposal. An appropriate condition is proposed.

Parking and access

Two parking spaces are to be provided for each townhouse, including within an integral garage. The maisonettes are to have one space each, with no garage. On street parking for 6 to 7 cars will be lost as a result of this proposal.

The Highway Authority has no objection following the receipt of amended plans showing the garages being increased in size. Most houses in the vicinity have off street parking. There is on street parking further west.

Bin and cycle storage is shown within the central part of the building.

Sustainability

The Design and Access Statement advises that the development will include energy efficiency measures with solar panels to be installed to each roof to generate low carbon electricity. Air source heat pumps will be installed to generate low carbon heating. The development would also include an efficient building fabric, with high levels of insulation and highly efficient glazing. Details of the siting and noise levels of the ASHPs can be reserved by condition.

Recommendation

APPROVE - **Subject to Conditions:-**

1. Approved Plans
2. 3 year time limit
3. Schedule of materials
4. Details of boundary treatments
5. Details of hard and soft landscaping
6. No development shall 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. The scheme shall include detailed surface water drainage network calculations for the site. 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, to be approved by Southern Water, shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (16290/01/HOP/RPT/01-Flood Risk & Drainage Assessment) and Drawings (16290-HOP-ZZ-XX-DR-C-0100-Drainage Layout 11/01/2024) and remaining 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 Planning Authority
7. 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

8. 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
9. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (ref: 16290/01/HOP/RPT/01, prepared by HOP, dated April 2023) and the following mitigation measures:
   Finished Floor Levels for all sleeping accommodation shall be on the second floor or above and set no lower than 7.7m above Ordnance Datum (AOD).
   This mitigation measure 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.
10. Full details of noise protection scheme, including ventilation, to be submitted and approved
11. Construction management plan
12. Working hours 8-6 Mon-Fri, 8.30-1 on Saturdays
13. 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
14. 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
15. Garages to be for parking and domestic storage only
16. Flank windows obsc/1.7m cill
17. No new windows
18. PD restricted
19. Details of siting, design and noise levels of ASHPs and solar panels to be submitted and approved

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: Peter Barnett Date: 6 February 2024

Authorised and signed by: Gary Peck Date: 6 February 2024