Expiry Date – 6/10/21, EOT 4/2

Development Control – Delegated Officer Report

Application Number: AWDM/1539/21 Recommendation – Refuse

Site: 94 Brighton Road, Lancing

Proposal: **Proposed attached three storey dwelling with same ridge height as No.94 plus 2no. parking spaces**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 1/10

Site and Surroundings

This application relates to a two storey house with rear dormer on the south side of Brighton Road. The property backs onto the Eastern Sands caravan park. Typically land banks up from Eastern Sands with the rear gardens being at first floor level when viewed from the front.

The existing house has a side porch and driveway with recessed flat roofed detached garage on its west side. There is a double width crossover shared with No. 92 and outside the site itself is a double length parking bay and a single bay outside No. 92.

The application site has recently been extended with a hip to gable roof extension and rear dormer. Composite pale green and grey cladding has been added to its upper floor and roof.

No. 92, to the east, also has a driveway and detached garage to the side. This garage has a shallow dual pitched roof and is linked to the house by an enclosed porch. There is a habitable room window behind the porch.

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

Proposal

Planning permission is sought to erect an end of terrace dwelling over 3 floors, including a large rear dormer, in place of the garage. It also involves the removal of the existing side porch and first floor side bay window from the existing house. The proposed house is recessed at front ground floor to maintain front door access to the existing house, which is at the side, and two off street parking spaces, one for each house. The ridge height is the same as the existing house.

At recessed ground floor (front) is the main entrance, a utility room and shower room with cycle store behind. Side passage to the rear garden continues under the first floor

where bins and recycling is to be stored. The first floor has a kitchen/diner to the front, a bathroom and a south facing living room. There are two bedrooms in the roofspace.

Relevant Planning History

ADC/0374/08 - Two-storey side extension and single-storey rear extension with balcony above. Granted

L/91/05 - Attached new two-bedroom house (with rooms in roof) on west side with access & parking (and rear dormer on roof of existing house). Granted

Consultations

Environment Agency:

'Thank you for consulting the Environment Agency on the above application following the submission of a revised Flood Risk Assessment and amended plans.

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

We are satisfied that our previous objection to this proposal (as per our letter dated 27 August 2021, our ref: HA/2021/123481/01) can be removed, provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition

The development shall be carried out in accordance with the submitted Flood Risk Assessment ('Flood Risk Assessment for 94 Brighton Road - Lancing', Job No. 2021/15, Revised 1 - October 14 2021, prepared by A. C. Rollings) and plans (drw 2458 08 rev B & drw 2458 09 rev B) and the following mitigation measures detailed therein:

- ***Sleeping accommodation is to be located on the second floor (7.2m above AOD) (sections 4.3 & 9.4 of the Flood Risk Assessment, and as shown in the plans).***

These mitigation measures 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.

Reasons

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

The condition is in line with the Planning Practice Guidance (PPG) to the National

Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Please notify us immediately if you are unable to apply our suggested condition to allow further consideration and advice.

Advice to the Local Planning Authority

Flood warning and emergency response

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 (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building 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 planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 167 of the NPPF and the guiding principles of the PPG.

Advice to the Local Planning Authority and Applicant

Climate change allowances

Please note that whilst we have now conditioned this application to take a pragmatic approach, the correct climate change allowance assessment has still not been undertaken (2125). Any future applications should ensure they comply with our climate change guidance at https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances.

Flood resistance and resilience

We strongly recommend the use of flood resistance 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. If you would like to find out more about reducing flood damage, please visit the Flood Risk and Coastal Change pages of the planning practice guidance (https://www.gov.uk/guidance/flood-risk-and-coastal-change).

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction
https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 – Flood resistant and resilient construction
https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. Our flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.

To get help during a flood, visit https://www.gov.uk/help-during-flood.

For advice on what do after a flood, visit https://www.gov.uk/after-flood.'

Southern Water:

'Further to our previous correspondence dated 31/08/2021 regarding the above planning consultation and further information provided by the developer regarding surface water disposal.

If the applicant discharges surface water to the public system, then discharge to public sewer will be accepted once proven that all other means of discharging surface water has been exhausted. The applicant will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

All other comments in our response dated 3/08/2021 remain unchanged and valid for the amended details.'

Initial comments:

‘Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.’

Technical Services:

I see that Southern Water has now responded on this.

As stated we do not support discharge of surface water to the foul sewer - and would maintain our objection to the application. If however, you are minded to approve the application despite our objection we would request that a surface water drainage condition is applied to control the design- and hopefully lessen the negative impact of the development.

If you wanted one surface water drainage condition to encompass SW requirements as well as mine, you could potentially have a condition along the lines of the following:

“Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels will be required to support the design of any drainage. If discharge to foul sewer is proposed the following additional information will be required to support the drainage design; topographical survey, CCTV survey showing existing connection points, pipe sizes, gradients, and calculations demonstrating there will be no increase in total discharge to the foul sewer. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

and the accompanying informative:

“Surface water drainage design must have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Any surface water drainage design must

include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design- this is required even for attenuation schemes in order to demonstrate the design will adequately resist flotation. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

I would note that the fact that Southern Water state they charge for surface water disposal is not evidence of surface water discharging to public sewer.'

Highways:

'Summary and Context
This proposal is for the erection of one residential dwelling. The site is located on Brighton Road, an A-classified road subject to a speed restriction of 30 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application, subject to the below comments and conditions.

The LHA previously provided consultation advice for this site for application AWDM/2055/20, raising no highway safety concerns. The applicant withdrew the application.

Access and Visibility
The applicant proposes to utilise the existing vehicular access for this development. There are no apparent visibility issues with the existing point of access onto Brighton Road. The LHA does not anticipate that the addition of one dwelling would result in an intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning
The applicant proposes to demolish an existing single-car garage and replace with two parking bays. It is unclear if these parking spaces will be allocated for the new dwelling or shared with the existing dwelling. The applicant should provide clarification of this. Assuming the proposed parking will be shared, the WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. Consequently, overspill parking would have to be accommodated on-street. Whilst on-street parking is limited in the vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety.

The LHA does not anticipate that the shortfall of one parking space would give rise to a highway safety concern, but the Planning Authority may wish to consider the potential impacts on on-street parking from an amenity point of view.

On-site turning will not be achievable, so vehicles may have to exit the site in a reverse gear. However, this is the existing arrangement which has operated safely with no known highway safety concerns.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has demonstrated a cycle parking store. The inclusion of secure and covered cycle parking provision, in accordance with WSCC parking standards, helps promote the use of sustainable transport methods.

Sustainability
The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. Regular coastliner bus services can be caught nearby on Brighton Road. Lancing Train Station is situated approximately 1.6km northwest of the site.

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 is not contrary to the National Planning Policy Framework (paragraph 111), 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 approved)
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 to be 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.

Electric Vehicle Charging Spaces
No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.'

Health: '*Thank you for forwarding the updated Noise Assessment (ref: 10438A Dated 12/10/21). Due to elevated noise levels at this site prohibiting the opening of windows for ventilation this assessment confirms the use of MVHR for this development which is considered acceptable.*

The assessment also provides details of the roof structure and the proposed noise attenuation this structure should provide. This is considered acceptable.

I would advise the following conditions:

Noise
The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment (ref: 10438A Dated 12/10/21) and all works which form part of the approved scheme shall be completed before the permitted dwelling is occupied. Following completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and do not exceed the levels specified in BS8233:2014.

Ventilation
Construction work shall not commence unless and until a detailed ventilation plan for the development has been submitted to and approved by the local planning authority. The internal noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work as well as the units should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Hours of construction
Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.
Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works

Dust
Construction work shall not commence until a scheme for the protection of the existing neighbouring premises from dust has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the demolition and construction phases of the development.'

Lancing Parish: *'No objections but the Parish Council wish to see the comments raised by other statutory consultees addressed by the applicant.'*

Representations

Objection from No. 92

- Out of character as end of terrace and not semi detached.
- Contrary to covenant
- Overbearing, obtrusive and would overlook patio at 92
- Height and proximity would result in loss of light to windows at side and porch
- Inadequate parking provision and obstruction of visibility
- The existing house has soakaways 18 feet from the boundary with 92. New soakaways would be closer. The garage at 92 already experiences surface water flooding. This would worsen and may also lead to house flooding.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1, 2, 3, 9, 15, 18, 19, 20, 22, 28, 34, 35 and 36 including Development Management No. 1 Space Around Fats and Houses
WSCC Guidance on Parking at New Developments (Sept 2020)
Lancing Surface Water Management Plan (2015).
Revised National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance (CLG)

Planning Assessment

Principle

The principle of development can be supported as it creates a family unit of accommodation on a brown field site. For consideration is the impact of the proposals on the character and appearance of the area, the impacts of the development on neighbour amenity, the highways network, flood risk and future occupiers living conditions.

<u>Housing Supply</u>

In January 2022 the Government published the Housing Delivery Test 2021 measurement results. Adur delivered 77% of its requirement, a considerable improvement on the previous year. The Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target, the shortfall can be addressed later in the plan period. Commitments are predicted to increase significantly in 2023/24.

Nonetheless, the presumption in favour of sustainable development applies.

Policy 15 of the adopted Adur Local Plan

Quality of the Built Environment and Public Realm
Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. Development should:

Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;

Adopted Development Management Standard No 1 states:

'2. Relationship between dwellings/flats
2.1. In infill and redevelopment schemes new buildings should respect the existing character and appearance of an area and ensure the retention of adequate privacy for and daylight to existing dwellings/flats.
2.2 The use of density as a criteria for controlling developments is considered to be very crude and will not in itself ensure a good quality of residential environment. It is considered that generally the specific requirements of a site will usually determine the acceptable density.
2.3 Residential developments, in order to prevent over-developed layouts, should not have an excessive overall site coverage of buildings and hard surfaced areas.'
2.5 Where a principal window faces a solid obstruction a distance of 11m is required between the window and a single-storey structure or 14m between a principal window and a two- storey structure, in order to allow adequate light to enter the windows.
2.6 Elevations with no principal windows should be set back at least 1m from a site boundary to allow access for maintenance and to avoid a cramped appearance.
2.7 The requirements considered above can be applied to the location of a dwelling/flat in relation to its side, rear and front boundaries.
Side boundaries
2.8 In the case of small detached, semi-detached and end-of-terrace dwellings a minimum gap of 1m should be provided between any wall of the dwellings and the side boundary.
2.12 Finally, the position of a building on a plot should also take into consideration the position of buildings on adjoining plots either side.

Character

Brighton Road has seen many infill house builds. An end of terrace dwelling would not in itself be out of character in this location. The particular design, with undercroft parking, is a familiar feature of other developments nearby albeit as part of a new build pair or terrace rather than added to an existing semi detached house. This arrangement was also part of the 2005 permission for an end of terrace dwelling.

The 2005 approval for an end of terrace house on this plot and the subsequent approval for a two storey side extension included a 1 metre wide boundary clearance and side

passage adjacent to No. 92. This was to ensure compliance with the adopted SPG, now adopted Development Management Standard No. 1 Space Around Flats and Houses which seeks to avoid excessive site coverage to avoid a cramped development and protect neighbours from harm.

It would appear impossible to pull the development off the boundary with No. 92 and still meet the required floorspace standards for a two bedroom house.

Neighbour amenity

The only affected neighbour is at No. 92. No 92 has a shallow hipped roof garage between the site and their main flank wall. There is a habitable room window in the ground floor flank of No. 92 behind the porch. Outlook/light for this window is partially obstructed by their own garage. Morning sunlight to this window will be further obstructed by the proposed house, daylight even more so. The proximity of the proposed house to No. 92's side window fails to meet the 25 degree angle test stipulated in the BRE guidelines.

The scale and proximity of the new dwelling will also be overbearing to No. 92. The new dwelling is proposed right up to the shared boundary with a gabled end. Adopted SPD No.1- Space Around Dwellings sets a 1 metre minimum gap to side boundaries to avoid a cramped appearance as well as to protect neighbouring amenity, and this was achieved in the 2005 design. This is no longer an option as the minimum floorspace figure would not be achieved. The previous approvals also included a hipped roof design which further helped to reduce bulk on the boundary.

Highways

The proposal is to create two off street parking spaces on the forecourt in an undercroft arrangement using the existing crossover. The plans show a parking space for the existing and proposed house. Whilst this number of spaces falls short of the required standard and overspill will have to be accommodated on street the Highway Authority is satisfied that parking restrictions will prevent dangerous parking in the area.

Living conditions of future residents

The plans have been revised and a noise survey submitted to demonstrate that future occupiers will not be unduly affected by road noise. Environmental Heath officers still wish to see a ventilation scheme.

The floor area of this 2 bedroom 3 person unit exceeds the minimum 70sqm required in the DCLG 's Technical Housing Standard 2015 for a two bed 3 person unit , there is no standard for a 3 storey 2 bed, 3 person unit. The single bedroom just meets the minimum floorspace figure of 7.5 sqm. However, the double bedroom falls well short of the minimum expected 11.5 sqm at 9.7 sqm.

Available garden area is 24sqm. This is less than half of the 50sqm expected for new terraced dwellings in Development Management Standard No. 1 'Space Around Dwellings and Flats' but is comparable to the houses in the immediate area.

These shortfalls further point to a cramped overdevelopment of the site.

Flood Risk

The Environment Agency has confirmed that the submitted Flood Risk Assessment is acceptable, in particular the repositioning of bedrooms to second floor level, and that the proposal is not at risk of flooding.

Surface Water

Policy 36 of the Local Plan states that:

'New development within Adur must include some form of Sustainable Drainage System (SuDS) or other appropriate design measures in order to reduce the risks of surface water flooding and to mitigate the risk of pollution to groundwater sources. SuDS should be considered before other forms of disposal.'

Due to site coverage with this development the applicant is not able to use an infiltration method of discharging surface water and therefore believes he "needs" to discharge to the foul sewer. The Council's drainage engineer is not satisfied with this 'unsustainable' method for dealing with surface water flooding and describes the proposal as an overdevelopment of the site and *'all in all, not a drainage policy compliant proposal as it stands'.*

The applicant asserts that surface water from the existing house is drained to the foul sewer with Southern Water's permission. It may therefore be possible, as a last resort, to drain proposed surface water to the foul sewer also. Southern Water may accept this method but not before they are satisfied that all other means of draining surface water have been explored and discounted if impossible. A detailed report will be required from the applicant outlining why more sustainable means of disposal are not achievable. Where drainage to the foul sewer is proposed a topographical site survey and/or a CCTV survey will be required with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

This is critical to ensure the development is adequately drained as both the applicant and neighbour at No.92 have referenced existing problems with surface water flooding. Any surface water scheme must deal with drainage from the site without exacerbating a surface water drainage issue at No. 92. The applicant has agreed a detailed surface water pre-commencement condition drafted by the Council's drainage engineer which incorporates Southern Water's comments.

Recommendation REFUSE for the following reason:

Due to proximity to the boundary, scale and design the proposal represents a cramped overdevelopment of the site which would be harmful to the living conditions of occupiers of No. 92 Brighton Road due to a loss of light and overbearing impact and harmful to visual amenity and the streetscene of this part of Brighton Road. The proposal is therefore contrary to policy 15 of the Adur Local Plan (2017), Development

Management Standard No. 1 Space Around Flats and Houses and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 1.4.22

Authorised and signed by: Peter Barnett Date: 4 April 2022