Expiry Date – 24/5/19 - eot sought to 10/7

Development Control – Delegated Officer Report

Application Number: AWDM/0517/19 Recommendation – Grant

Site: **386 Brighton Road, Shoreham**

Proposal: **Demolition of existing building and construction of four-storey building comprising 2no. 2 bedroom flats and 2no. 1 bedroom flats, with two storey rear extension, refuse and cycle storage, pedestrian access and external amenity area.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 17/12 and 31/5

Site and Surroundings

This application relates to a two storey mid terraced house on the north side of Brighton Road, close to the junction with Surry Street. The property has a single storey rear extension and a detached outbuilding which contains the dwelling's only WC and bathroom. It sits between four storey buildings either side with mansard roofs and front and rear dormers; both of which are converted into flats. The existing building sits forward of No. 384, to the east, on both floors and forward of No. 388 at first floor level. On the frontage it has a bay window at first floor and a typical shopfront at ground floor, with recessed door, but it has not been used for commercial purposes for many years.

It backs on to Pashley Court, a four storey block of flats belonging to Adur Homes. Pashley Court has two communal entrance doors facing south which are accessed via a footpath off of Surry Street. This footpath is also in the ownership of Adur Homes. Between this footpath and the site rear boundary wall is a narrow strip of land with some trees and shrubbery on it. The ownership of this land is unknown. The applicant would like to add a gate in the rear wall to create access to proposed bike and bin storage.

There is a protected shopping frontage to the east, 372-380 Brighton Road. Opposite on Brighton Road is Montgomery Motors, Frosts motors and the new redevelopment of the former Parcel Force site.

The site is not in a conservation area, which begins on the west side of Surry Street, and nor is it listed. The nearest listed building is also to the west in New Road.

It sits within flood zone 1.

Planning permission was granted earlier this year for the extension and conversion of existing building, including increase in roof ridge height, to accommodate 4 floors,

creation of 2no. 2 bedroom flats and 2no. 1 bedroom flats, with two storey rear extension, refuse and cycle storage, pedestrian access and external amenity area (AWDM/1703/18 refers). Structural difficulties mean it is not possible to extend the current building. This application is therefore for redevelopment purposes and is otherwise in effect a facsimile of the January 2019 permission.

Proposal

Permission is sought to replace the existing building with a four storey building comprising 2 no. two bedroom flats and 2 no. one bedroom flats. The application reflects the permission granted earlier this year to extend and convert the existing building. The new three storey building includes a third storey with a traditional mansard roof with a front dormer and two rear dormers. 4 flats, one on each floor, are proposed with the ground floor unit having its own front entrance.

The ground and first floor front building line will be maintained as it currently is, minus the first floor bay window. The two new upper floors will be recessed to follow the line of both adjoining buildings. A small first floor front balcony is proposed with a larger second floor front balcony. The front dormer includes a Juliet balcony. The ground floor unit is provided with some outdoor space.

The main rear wall is to be extended in depth by 750mm. The single storey rear extension is to be removed, it is 3.2 metres in depth. A two storey outrigger, half width is to be added in its place. It measures 7.5 metres in depth, 3 metres in width and has a mono pitched roof with an eaves height of 5.5 metres and a ridge height of 6.4 metres.

Two outbuildings for bike and bin storage are proposed at the rear of the site with access though a new gate in the rear wall onto the Pashley Court footpath.

The applicant's supporting statement sets out the following details regarding materials:

The building would comprise white rendered elevations, whilst the main roof will be metal with standing seam coloured dark grey. The rear 2-storey element will have slate tiles to its roof. The dormers will be clad with dark grey metal, and railings will also be dark grey powder coated metal. Windows and doors will be double glazed with timber sash/casements, painted white.

Following the January permission this application is accompanied by details pursuant to pre-commencement conditions attached to the first permission. These relate to condition 4, details of timber windows, French doors and entrance doors. Condition 5, acoustic noise report and window design, 6 – bike and bin storage and 8 – the privacy screens for the front balconies.

Relevant Planning History

AWDM/1703/18 - Extension and conversion of existing building, including increase in roof ridge height, to accommodate 4 floors, creation of 2no. 2 bedroom flats and 2no. 1 bedroom flats, with two storey rear extension, refuse and cycle storage, pedestrian access and external amenity area. Granted 25.1.19

Consultations

Southern Water:

'Southern Water would have no objections to the above proposal.
Southern Water requires a formal application for connections to the public foul and surface water sewers 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 contact Southern Water, Sparrowgrove 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

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system
b Water course
c Where neither of the above is practicable sewer

Please find attached a plan of the sewer records showing the approximate position of combined sewer within the access road to the site. Please note that no development or new tree planting should be located within 3 metres on each side of the external edge of the public sewer. All existing infrastructure should be protected during the course of construction works.

Furthermore, 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".'

Technical Services: No objection.

Environmental Health:

'The noise report is fine and highlights what needs to be done to protect the development from noise.

I am not sure how this works, is approval given on the basis that the glazing specified in the acoustic scheme and is this conditioned?'

The management plan is good, it covers noise, hours of work, material and waste storage on a compact site. It also looks at pedestrian provisions and site safety.

Private Sector Housing:

'The Private Sector Housing team of Adur & Worthing Councils 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. 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.'

Highways:

'This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was not consulted previously on Highway Matters for this location under planning applications no. AWDM/1703/18 .

<u>Summary</u>
The proposal is for the Demolition of existing building and construction of four-storey building, it is located on Brighton Road which is a A-Classified Road subject to a 30 mph Speed limit.

<u>Parking and Sustainability</u>
A nil car parking provision is proposed for the new Flats. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site is located in a sustainable location within walking and cycling distance to a

range of public services, amenities and employment options. Bus and rail links provide a realistic travel opportunity for longer trips. It would be anticipated that future occupiers of the dwelling would not be reliant on the use of a private motor vehicle. As a result, The Local Highways Authority (LHA) would like to see cycle storage space being implemented.

Conclusion
The Local Highway Authority (LHA) does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 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:

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 submitted to the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.'

Representations

Four letters of objection received, three from residents of Pashley Court, to the rear, make the following representations:

1. Harmful to Pashley Court, overbearing and intrusive.
2. Inadequate parking in the area. Rear access may encourage future residents to try and park in Pashley Court.
3. Loss of trees and bushes.
4. Loss of light
5. Noise and smell from filling and emptying of bins.
6. Rear access could result in further noise from dog barking
7. Rear path runs across our garden and path, to which I object.
8. Development on the adjoining site was rejected on appeal. This should be too.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1, 2, 15, 18, 20, 28, 34, 35 and 36
Development Management Standard No. 1- Space Around New Dwellings and Flats - December 2017.
The National Planning Policy Framework 2019

Planning Assessment

Principle

The principle of development can be supported as it creates three additional units of accommodation within the built up area boundary. For consideration: i) the quality of the design and its relationship in the street; ii) neighbour amenity, iii) the quality of accommodation to be created, iv) highways and refuse and v) drainage.

The previous decision is a material consideration.

Design

The proposal is designed to sit comfortably between its taller neighbours and to fill what appears as an anomalous gap in the streetscene. The ground and first floors retain the existing front building line with the upper two floors recessed to match the build line of both adjoining properties. The second floor flat is provided with a full width front balcony, similar to the first floor front balcony at No. 388. A traditional mansard roof is proposed with a front dormer and two rear dormers. Both adjoining properties have mansard roofs and all adjoining properties on this stretch of Brighton Road have front dormers.

The two storey outrigger proposed reflects the design and scale of outriggers. It is less deep than the outrigger to the east and similar in length to those further east.

Neighbour amenity

The two additional floors will reflect developments either side. The additional 750mm depth to the main rear wall will line through with the building to the west at No 388.

The outrigger is half width and has a low roof line. It will be more prominent than the single storey extension to be removed but is not as deep or tall as the outrigger at 384. It is 12.5 metres away from the nearest facing window in Pashley Court and as such it is not considered that it will cause a significant loss of light or outlook to occupiers nor be overbearing.

In the rear of 388, closest to the boundary are bedroom windows stacked over 3 floors. All other habitable rooms in 388 face west or south. The boundary is currently defined by high hedging above first floor level. The planting within the site will go with this development. The proposed outrigger will have less impact on light to the ground and first floor bedrooms at 388 than the planting as it is pulled off the boundary. A first floor bedroom window in the outrigger will face west. There will be oblique intervisibility between bedrooms at 388 and this new window, also a bedroom. This can be easily overcome with the use of blinds or similar.

This proposed west facing window will also enable a view over the proposed ground floor flats garden and garden of the flats at 388. The garden of 388 is already overlooked by flats within their own building and by the new houses fronting Surry Street and in Pashley Court. The smaller bedroom window in the main rear wall of the first floor flat will have a more direct view over this garden area. This is part of town

centre living. The rear of houses in Surry Street to the west would be 17.5m away and less affected.

The new gate in the rear wall would not currently need planning permission if under 2 metres in height. Estates has advised that the footpath in front of Pashley Court is in the ownership of Adur Homes and therefore permission for access over it will be required from them. This gate is essential to this scheme to provide access to the site's bike and refuse storage. Adur Homes has not responded to this consultation. Estates previously has said that Adur Homes may require a contribution towards footpath maintenance as a condition of right of access. This is a private matter between the applicant and Adur Homes. The likely footfall associated with this new access, opposite a communal entrance at Pashley Court, is not expected to result in an unneighbourly relationship between existing and future residents.

There is no previous planning history for this site. It is not considered that this scheme is comparable to the scheme for a two storey dwelling in the rear garden of No. 388 Brighton Road which was dismissed on appeal in 2012. The rear outrigger does not have the mass and solidity of the detached box like dwelling then proposed. The outrigger proposed is not untypical of outriggers and is only 3 metres in width. It is 12.5 metres from windows in Pashley Court but its scale and lack of rear windows ensure its will not cause significant harm to outlook or cause overlooking.

Self seeded trees in the rear garden will be lost. The trees and shrubs outside the rear boundary need only be pruned to enable the gate to be installed and still provide a softening to this boundary. The applicant's agent has confirmed that this is their intention. A condition requiring any removed or damaged soft landscaping to be replaced, where appropriate, is recommended

At the front the first floor inset balcony is to have a glazed privacy screen. The second floor balcony is also shown to have privacy screens either end to prevent overlooking of the front balcony of 386 and front windows in 384. Details of these finned screens have been submitted and are considered to be acceptable.

Quality of accommodation

The existing former shop with accommodation over has been used as a dwelling for many years. It is effectively three bedrooms but with no internal bathroom and very little in the way of a kitchen. It could be renovated to create a two bedroom family dwelling. However, the loss of the existing unit and the creation of 4 units in total is supportable in principle in this instance. The ground floor unit to be created has its own entrance and provides two double bedrooms, one en-suite, an additional bathroom, separate kitchen and combined living/dining room. It also has a small rear garden of approximately 11 square metres in area. It has a floor area of 70.6 sqm. The first floor flat is a similar layout but the second bedroom is smaller and only suitable for single occupation. This unit has a floor area of 62.1 sqm. Both these units meet the DCLG's internal space standards found in their Technical Housing Standards. The first floor has a small front balcony roughly 1 metre square.

The two units to be created on the uppermost two floors are described as 'studios' on the drawings. They are in fact one bedroom dwellings with each bedroom large enough

to accommodate 2 people. Each has a separate shower room and a larger combined kitchen/dining/living room.

Both units fall well short of the technical space standard of 50 sqm for a 1 bed, 2 person unit at 38.2 sqm and 37 sqm respectively but do meet the 1 bed 1 person standard of 37sqm where there is a shower room rather than bathroom. On balance, as this development is the conversion and extension of an existing building, greater constraints do apply to prevent the full standard being met. The previous decision is also material. It is considered that in this exceptional case the full standard need not be met.

The first floor unit has a small inset balcony. The second floor unit is provided with a full width front balcony 1.3 metres deep. The third floor has a set of French doors in the front wall with a Juliet balcony.

The site is identified by DEFRA as noise sensitive. The scheme is designed to have the bedrooms at the rear away from road noise. This application is accompanied by an Acoustic assessment which identifies the necessary glazing to achieve standards required by BS8233. MVHR systems supply and extracts are to be taken from the quieter (rear) façade. Environmental Health has confirmed they are satisfied with the report and that an approval subject to these windows being installed prior to occupation, and retained, is acceptable to them.

Environmental Health also has concerns about layout and has asked for the following informative to be added to any consent:

The Private Sector Housing team of Adur & Worthing Councils 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. 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.

All units provide acceptable levels of accommodation.

Highways

The site does not have any off street parking and there is no scope to provide any. A lockable bike store is shown within the rear garden as is an enclosed store for bins both accessed through the new gate. The site is sustainably located within easy reach of Shoreham railway station and bus routes along Brighton Road. The absence of car parking facilities in this town centre location is not a reason to withhold planning permission.

Drainage

The site is inside flood zone 1 and therefore not prone to flooding.

The existing building has a combined foul and surface water drain, typical of the building's age. Building Control has confirmed that as this situation exists it will also be acceptable for the new development. The applicant has confirmed drainage as such:

'In terms of drainage, we can confirm that foul sewerage will be re-connected to the mains sewer system for the existing building. This is indicated on the proposed Site Layout/Ground Floor Plan. For surface water, this will be discharged into the mains sewer as existing. Discharge rates will not be increased as the roof 'area' is effectively the same on the main building and only slightly larger due to the extended outrigger.'

The exact position of the combined drain within the site is not known. The permission of Southern Water will be required for connection. An informative is included. Technical Services have confirmed they have no objection to the applicant's intended drainage scheme.

Recommendation APPROVE subject to the following conditions:

1. Approved plans
2. 3 years
3. Samples of materials
4. The new and replacement windows, French doors and new entrance doors shown on drawing 2115 (50) 002 shall be installed prior to first occupation and thereafter retained.
5. The measures contained within Acoustic Associates Sussex Ltd report dated 3/4/19 shall be implemented in full prior to first occupation and retained thereafter.
6. Access to and bike and bins provided before first occupation.
7. Privacy screens shown on drawing 2115 (50) 003 shall be erected prior to first occupation and retained.
8. No meter boxes on the front facade
9. Construction Management Plan
10. Landscaping at rear replaced if removed.

Informative

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 footpath to the north of the site is in the ownership of Adur Homes. You will therefore need their permission for access over it. Condition 6 requires the new gate and access to bike and bin storage to be provided prior to first occupation.

3. The Private Sector Housing team of Adur & Worthing Councils 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.

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.

4. 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. 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

6. It is likely that occupiers will be required to wheel their refuse and recycle bins to the Surry Street frontage on each collection day. Occupiers should be made aware.

Is recommendation contrary to any representations? Yes

Case Officer signed: MOK Date: 5/7/19

Authorised and signed by: Peter Barnett Date: 5 July 2019