Development Management - Delegated Officer Report

Application Number: AWDM/1394/21 Recommendation – Approve

Site: 44 Brighton Road, Lancing

Proposal: Erection of a 2 bedroom dwelling in front garden, together with associated landscaping and parking.

Date of site visit: Visited previously plus Google Maps

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a detached dwelling set back from Brighton Road by approximately 35m. It forms a line with several houses along this stretch of the road which are all set back from the road, to the west. However, to the east, 46 and 46A has dwelling in front of them (No. 48) and there is then a line of dwellings fronting the road as one travels east.

No. 42, directly to the west, has recently obtained planning permission for demolition and replacement with 2 dwellings, including 2 detached garages in the front garden. There is also a current application at the same property to replace the dwelling with a single dwelling, plus detached garage in the front garden with accommodation above (2 storeys). This is still to be determined.

The proposal is to erect a 2 bedroom dwelling in the front garden of No.44 together with car parking, external garden space and new boundary treatment. The Design & Access Statement states:

"The proposed material palette predominantly comprises timber, in reflection of the seafront location and as contrast to Casa Blanca as the dominant building on the plot. This is also reflective of timber cladding and features used elsewhere on Brighton Road. The dwelling would have a zinc metal roof and powder coated metal windows and doors. In terms of massing, the scheme has been designed in reflection of the existing dwelling, Casa Blanca, standing at the same roof height of 6.2 metres."

It will have an eaves height of 3.5m with accommodation within the roofspace. The front elevation has limited openings, with only three narrow windows at first floor. There is also only a small opening at the rear, serving a bedroom. An 11m deep rear garden is provided.There is one parking space in front of the dwelling.

Relevant Planning History

AWDM/0716/21 - New front porch; replacement of conservatory with new single-storey rear 'orangery' extension and covered terrace at first floor; new cladding to all elevations; change to rear garden levels to form terraced raised decking; new boundary walls to rear garden - approved

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works (42 Brighton Road) - approved

AWDM/0923/21 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north (42 Brighton Road) - still under consideration

AWDM/0063/20 - Construction of 8no. flats (4 x 2 bed and 4 x 3 bed) within 2 storey building and 1no. 2 bed flat (9 in total) within link-detached single storey building, with 12no. parking spaces, 10no. cycle spaces, bin store, amenity space and landscaping (Land fronting The Haven) - appeal allowed

Consultations

West Sussex County Council: Highways: Access and Visibility The applicant proposes to utilise the existing vehicular access on Brighton Road for this development. The LHA does not anticipate that the addition of one dwelling would give rise to a material intensification of use of the existing access. From inspection of local mapping, there are no apparent visibility issues with the existing point of access onto Brighton Road. 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 a parking area with room for two car parking spaces. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient. The shared driveway can be utilised for on-site turning to be achievable, allowing cars to exit the site in a forward gear. In addition, two car parking spaces with a turning area will be provided for the existing dwelling also. In the interests of sustainability and as a 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. Regarding cycles, the applicant has not provided details of secure and covered cycle storage. The LHA would like to see cycle parking being implemented, in accordance with WSCC parking standards (one cycle space). The inclusion of cycle parking 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. The site is also well connected by public transport, with regular bus

connections available from Brighton Road. Lancing Train Station is located approximately 1km 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.

Conditions: car parking, cycle parking, EV charging spaces

Adur and Worthing Councils: Technical Services: Flood risk- The proposed dwelling is within flood zone 1, and the site is not shown to be at risk from surface water flooding. We therefore have no objections on flood risk grounds. Surface water drainage- the application form indicates that it is proposed to discharge surface water to mains sewer. We hold no records of public surface water sewers in this location. Surface water disposal must follow the hierarchy for sustainable drainage.

Please can the applicant submit a plan detailing where infiltrating surface water drainage can be provided within the proposed layout whilst providing 5m easements to buildings and highways, and 2.5m easements to property boundaries. It should be noted that groundwater could be high here, so a blanket type solution will likely be required. If this information is satisfactorily provided we will then request our standard precommencement surface water drainage condition to secure winter testing and monitoring and detailed design.

Comments following receipt of amended plan: Thanks for sending this through. This is okay in principle. Please do not list this drawing as approved and please apply the standard condition to ensure the development is adequately drained.

EHO PSH: Please could the following informative be placed on any planning permission that may be granted 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. In this case, the escape in the means of fire from the galleried first floor bedrooms is via the open plan kitchen living area and so they are inner rooms. Fire escape windows from first floor or above are not acceptable under the Housing Act 2004. 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.

EHO Public Health: Regarding this application, the location does not present as brownfield land or disclose any historic use indicating contamination on the site. The site is not within an AQMA and there are no indications of Environmental Health concern. However to regulate construction noise impacts on adjacent properties the following construction site work hours are

recommended: 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.

Further to my original comments on this application, regard to the impact of traffic noise should be incorporated for this development. The following recommendation is proposed: *The dwelling applied for shall not be occupied unless and until an acoustic assessment has been submitted to and agreed by the Local Planning Authority in respect of the exact noise exposure of the dwellings to traffic noise and an allied scheme prepared to protect the habitable rooms from excess noise in relation to British Standard BS 8233: 2014: Guidance. Any acoustic scheme shall include mechanical MVHR ventilation. The approved assessment and mitigation scheme shall be implemented prior to first occupation of any dwelling and retained thereafter*.

Southern Water:The exact position of the foul rising main must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. - The foul rising main requires a minimum clearance of 3 metres on either side of the rising main to protect it from construction works and to allow for future access for maintenance. - No development or tree planting should be carried out within 3 metres of the external edge of the public rising main without consent from Southern Water. - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public rising mains. - All existing infrastructure should be protected during the course of construction works.

Lancing Parish Council: No comment

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 34, 34, 36

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around New Dwellings and Flats’

Sustainable Energy SPD (August 2019)

West Sussex ‘Guidance on Parking at New Developments’ and ‘Parking Demand Calculator’ (WSCC 2019)

Technical Housing Standards – nationally described space standard (DCLG 2015)

National Planning Policy Framework (July 2021)

Planning Assessment

Principle

The proposal comprises new housing located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the site and its surroundings.

Housing Land Supply and Delivery

In February 2020 the Government published the results of the Housing Delivery Test. Adur failed the test and delivered 56% of its housing delivery target. Therefore, the Council has applied a 20% buffer to its five year housing land supply calculation. Taking this into account, as at 1st April 2020, Adur (Adur Local Plan area) had a 4.8 year land supply. Subsequently, in February 2021 the Government published the Housing Delivery Test 2020 measurement results. Adur delivered 48% of its requirement, and therefore the presumption in favour of sustainable development applies.

The presumption that planning permission should be granted unless there are 'adverse impacts which would significantly and demonstrably outweigh its benefits' is known as the 'tilted balance' and it has been held that such balance should be expressly considered in the determination of any relevant application.

The next issue to be considered, therefore, is whether the tilted balance should, in effect, sweep away the provisions of planning policy because of the lack of housing supply and therefore potentially lead to a grant of planning permission. This is a matter that has been considered in the Court of Appeal only recently in respect of housebuilding proposals in Essex and Northamptonshire. A developer argued that when the tilted balance is engaged due to a housing land shortfall, decision-makers have to assess proposals against relevant policies in the NPPF and that local plan policies simply "do not come into that exercise".

The Court of Appeal judges ruled, however, that, even where development plan policies are rendered "out of date" by housing land shortfalls, they remain "potentially relevant" to the application of the tilted balance and decision-makers are "not legally bound to disregard them". The court's ruling established, therefore, that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of development plan policies.

In conclusion, paragraph 11d of the NPPF does not make the policies of the development plan irrelevant. The policies of the development plan, in this case the Adur Local Plan 2017, may still be taken into consideration by the decision-maker even after issues of housing supply initiate the presumption in favour of sustainable development. Therefore, if a development causes harm to the character of an area or to residential amenity, contrary to development plan policy, it follows that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the

presumption in favour of sustainable development (the so-called ‘tilted balance’) would not be engaged in support of the application.

Visual amenity and character

The siting of a dwelling in front of another (tandem development) already exists immediately to the east of the site. Furthermore, travelling eastwards from that dwelling, there is a line of dwellings fronting Brighton Road. More recently, an appeal has been allowed for a proposal to site flats in front of The Haven, fronting Brighton Road. It is clear, therefore, that the siting of a dwelling on this site in front of 44 Brighton Road and fronting Brighton Road, would not be out of character or visually harmful in principle. The Inspector, in his decision letter for The Haven, stated that “*the need for housing is urgent and a step change in delivery is required*.” He went on to state that “*Even relatively small sites such as this can contribute to addressing the current housing shortfall*.”

As such, the principle of developing this site for housing is accepted, particularly as visual harm is not likely to arise. The scale of the proposed building reflects that of the dwelling to the east and it is to be sited on roughly the same line as that building. Its use of timber and zinc will result in modern design and appearance which will be at odds with the more traditional style that currently exists but the Inspector at The Haven appeal acknowledged that the current street scene “*is characterised by an eclectic mix of architecture*.” The contemporary design of the new flats in front of The Haven was considered to be acceptable in that context and there is no reason to consider that a contemporary design would not be acceptable here.

The front elevation would be quite plain, with minimal openings, which will help with mitigating exposure to traffic noise. It has a deliberately contemporary appearance while respecting the scale and form of other buildings in the area and, given the eclectic mix of architecture identified by the Inspector and referred to above, it is not considered that visual harm would be caused by this development.

Residential amenity - proposed occupiers

The dwelling will have a floor area of 116m2 which comfortably exceeds the national minimum standard for a 2 bed house. The rear garden will have an area of 120sqm which also exceeds the Council’s amenity space standards.

The dwelling would be sited close to the busy A259 Brighton Road where traffic noise is likely to be an issue for any future occupier. The EHO has recommended that an acoustic assessment is carried out to ascertain the extent of noise exposure and to provide a mitigation scheme, usually in the form of acoustic double glazing and MVHR. This can be secured by condition.

Residential amenity - existing occupiers

The house will be positioned 22m from the front first floor windows of 44 Brighton Road and 20m from its front ground floor windows, one of which serves a bedroom. The rear elevation of the new dwelling will contain only

one small bedroom window and it is considered that no harmful loss of privacy or overlooking will occur. The main openings are to the side, within the roofslope, and these will face towards the blank roofslope of 46A Brighton Road and across the garden of No. 42 (note - there is a current application for a garage with accommodation above in the front garden of No.44 which is yet to be determined. No windows are shown in the side elevation facing this site).

The position of the building and its separation from the house behind means that it will not cause undue overshadowing or loss of light/outlook.

Parking and Access

The applicant has stated that one parking space is to be provided in front of the house, using the existing access. WSCC have advised that there is sufficient space for 2 cars, which would meet the parking requirement for a 2 bed dwelling. The shared driveway can be utilised for on-site turning to be achievable, allowing cars to exit the site in a forward gear. In addition, two car parking spaces with a turning area will be provided for the existing dwelling also.

EV charging spaces and cycle parking can be secured by condition. There are no highway safety or parking concerns.

Sustainability/biodiversity

In line with Policy 31of the ALP, the application proposes new planting within the site to provide a net gain to biodiversity as a result of the scheme. This will include new planting along the boundaries of the garden and bat and bird boxes. A hedgehog hole will be introduced into any boundary fencing.

An energy statement has been submitted which states that the proposed dwelling will be supplied by solar photovoltaic panels to be installed on the south facing roof of Casa Blanca (No. 44), which falls under the same ownership. These panels will generate renewable energy for both properties to achieve 10% renewable energy generation and contribute surplus supply to the wider network. Water consumption is to be reduced to 100 litres per day.

These measures are considered to be acceptable.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Drainage
4. Noise protection
5. Hours of construction
6. Car parking
7. Cycle parking

8. EV charging spaces
9. CMP
10. Materials
11. Sustainability and Biodiversity
12. Removal of PD

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer:	Peter Barnett	Date: 29 September 2021
Authorised by:	Gary Peck	Date: 29 September 2021