Expiry Date – 12/7/18

Development Control – Delegated Officer Report

Application Number: AWDM/0726/18 Recommendation – Grant

Site: 38 Crabtree Lane, Lancing

Proposal: Single-storey rear extension to create 1 no. bedroom dwelling (C3) incorporating part change of use from A5 to A2/A1 and part change of use from A5 to C3.

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 6/6

Site and Surroundings

This application relates to an inter war mid terraced vacant former take away premises with separate flat over on the north side of Crabtree Lane and just east of the junction with First Avenue. There is a wide rear access serving all these units with two garages onto it from the site.

This property is within a Local Shopping Parade. The ground floor is vacant but was last used as a Chinese takeaway; there is a large flue on the rear elevation. To the west is Mulberry's general store and to the east is a Newsagents.

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

Proposal

Planning permission is sought to add a 4 metre deep single storey rear extension and together with part of the ground floor to create a one bedroom flat with access from the front. A reduced commercial frontage is to be converted into an A1 or A2 use.

Relevant Planning History

ADC/0555/08 – Replacement shopfront and door. Granted 11.2.09

L/42/01/TP – Internally illuminated fascia and projecting box sign. Approved 23.4.01

L/40/01/TP - Extract Duct to rear. Granted 25.4.01.

L/14/97/TP – Change of use from retail to takeaway (A3). Granted 10.11.97

Consultations

Southern Water

'Please find attached a plan of the sewer records showing the approximate position of a public foul sewer crossing the site. It appears that the developer is intending to build close to a public foul sewer which is crossing the site. Building over a "public sewer" is not normally permitted by Southern Water.

However, under certain circumstances building over a sewer may be allowed. The conditions associated with the build over/close to a sewer are contained in Southern Water guidance notes which are available at: www.southernwater.co.uk. A formal application to build close to the sewer will required to be submitted by the applicant.

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.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission For example: "The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewer." For further advice, the applicant is advised to contact Southern Water, Southern House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Southern Water requires a formal application for a connection to the foul and surface water sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please 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

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.'

Council's Drainage Engineer:

'Further to my previous response dated 4 June, I have now had a response from Lewis and Co Planning and can amend my comments as below.

Thank you for the opportunity to comment on this application. The site lies on the extreme edge of flood zone 2, and is shown by EA modelling to be susceptible to predicted surface water flooding, although I have no records of flooding in the area.

The proposal is for ground floor sleeping accommodation, and I see from the FRA that flood prevention methods are recommended, and the Architect also notes that the finished floor level is 530mm above ground level at the rear, flooding is extremely unlikely to occur at this height, and therefore I have no problem accepting the proposals as shown.

Lewis and Co also confirm that the architect acknowledges there is no public surface water sewer and now intends to provide a soakaway, the applicant therefore needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a soakage test undertaken at that location to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways.

So, in the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build be granted it be conditional such that 'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'

Soakage tests in accordance with DG 365 (2016) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas.'

Highways:

'*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.*

The building is currently A5 takeaway on ground floor with flat on the first floor. The proposals are for single storey rear extension to form an additional single dwelling with

part change of use of some of the commercial ground floor to incorporate into the dwelling. The remaining A5 use at ground floor will change to A1/A2.

The Local Highway Authority (LHA) does not consider that a capacity concern will arise as a result of the commercial change of use. The shopping parade is served by layby parking restricted to 1 hour parking Monday-Saturday 8am-6pm. Nearby junctions are protected by double yellow road markings prohibiting parking occurring in locations that would be detrimental to highway safety.

It is not clear whether any off-street parking will be allocated to the dwelling. The plans indicate that a privately maintained access road to the rear leads to an existing single garage though this is marked for 'storage' on the proposed plans. On the basis that both the proposed and existing flat has a nil car parking provision the WSCC Car Parking Demand Calculator envisions a total demand for one space. The LPA may wish to consider the impact of this on additional on-street parking nearby from an amenity point of view.

Lancing Train Station is approximately 0.4 mile distant and regular bus services run within the vicinity. There is a range of local retail and amenities within walking distance reachable by continuous street lit footway links and the LHA consider that sustainable transport is a viable option in this location, reducing the reliance on the private car. Secure and covered bicycle storage should be considered, details of which can be secured via condition.

No highway safety or capacity grounds to resist the application.

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 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.'

Waste Strategy Manager:

'We will collect from the rear so long as sufficient bins are provided and have space to store, as we do with the adjacent addresses. A condition regarding the design, location and number of enclosures should be added. We do not want to collect at the front as this will be in front of the retail units.'

Health:

The proposed layout shows the bedroom of the first floor flat to be immediately above the kitchen of the ground floor flat and a habitable room above a commercial unit. I have concerns about noise transmission between these dissimilar rooms leading to noise complaints and loss of amenity to the residents of the first floor flat. In order to resolve this the applicant could reconfigure the room layouts or sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation. This should comply with the requirements for new buildings rather than refurbished buildings.

Lancing Parish Council: No objection.

Representations

None received.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2012
Adur Local Plan 2017 Policies 1, 2, 4, 9, 15, 20, 27, 28, 34, 35 and 36 including 'Development Management Standard No. 1 Space Around Dwellings and No 2: Extensions and Alterations to Dwellings'.

Planning Assessment

Principle

The principle of development can be supported as it creates a retail unit or supporting retail use in this local shopping parade and provides an adequately sized one bedroom unit at the rear with frontage access and its own private garden. For consideration is the impact of the proposals on the character and appearance of the area, neighbour amenity, future occupiers living conditions, highways, refuse arrangements and drainage.

Neighbour amenity

Both adjoining properties have single storey rear extensions. 36, to the east has a small rear addition as built which has a party wall shared with the same outside WC on site. It is approximately 2 metres in depth. The WC on site is to be demolished along with dilapidated single storey store extensions. No. 44, to the west has a 4 metre deep single storey rear extension above which the first floor flat has a balcony.

The proposed 4 metre deep single storey extension will not have an unneighbourly impact. Making good of 36's rear addition is a private matter between neighbours.

Future occupiers living conditions

The proposed one bedroom flat to be created in the rear of the existing ground floor and the new extension has a floor area of 40.7 sqm. The 2015 Technical Housing standards requires that a one bedroom flat suitable for occupation by 2 persons should have a floor area of 50 sqm. If only suitable for 1 person the floorspace can be as little as little as 39 sqm.

The proposed layout includes a double bedroom, suggesting a potential future occupancy of 2 persons. As such the flat falls short of the minimum floorspace. However, it meets the standard for 1 person. It is also provided with a rear garden of 49 sqm which is very generous for a 1 bedroom flat. It is not considered the 2 person floorspace shortfall is sufficient reason to withhold planning permission.

The existing first floor flat has two bedrooms but its kitchen is on the ground floor. In order to fully self contain the first floor the smaller of the two bedrooms is to be converted into a kitchen. This leaves a fully self contained one bedroom flat with a floor area of 45.3 sqm, which is acceptable.

The stacking arrangement of the layouts is not ideal with the ground floor kitchen below the first floor bedroom. However, it appears unavoidable. The Building Control Manager has confirmed soundproofing to at least meet the requirements of Document E will be required under the Building Regulations.

Retail

Works to segregate the reduced commercial floorspace has already been carried out. The new unit has a WC and small store room. It is viable as a commercial unit. An A1 or A2 use will support this local shopping parade and will be a preferable use in adjoining and below residential accommodation. The ugly rear flue can be removed which will upgrade the appearance of the area.

Parking/Refuse

The site is in a sustainable location within easy walking distance of Lancing station to the south. Crabtree Lane is also on a bus route. Cycle parking can be provided in the existing rear stores.

The applicant is happy to provide refuse storage at the rear, subject to condition. The Waste Strategy Manager has confirmed they currently collect from the rear lane.

Drainage

The rear extension may cross a main sewer. Southern Water wish to see a condition added which requires the applicant to submit details to ensure the protection of the sewer.

The proposal has been revised to indicate the use of a soakaway to drain surface water. The Council's drainage engineer has indicated this is acceptable in principle and that there appears to be sufficient room to provide one in the rear garden. Details are reserved by condition.

Recommendation APPROVE subject to the following conditions:

1. Approved Plans
2. 3 years
3. Materials to Match
4. Details of measures to protect the public sewer
5. Details of surface water drainage
6. Details of refuse and cycle parking

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. SW sewer connection licence

Is recommendation contrary to any representations? No

Case Officer signed:	MOK	Date: 21.6.18
Authorised and signed by:	Peter Barnett	Date: 21 June 2018