

Planning Committee  
6 February 2017

Agenda Item 5

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Economy

### Planning Applications

1

Application Number: AWDM/1625/16                      Recommendation – Approve

Site:                      Development Site at 63 to 67 Brighton Road, Shoreham by Sea, West Sussex

Proposal:              Demolition of existing building and mixed use redevelopment of 63-67 Brighton Road to construct 5 storey building to provide 37sqm of A3 (restaurant/cafe)/A4 (drinking establishment) and B1 use on ground floor and 14 dwellings comprising 3 studio flats, 7 x 1 bed flats and 4 x 2 bed flats on first to fourth floors, plus 7 car parking spaces and cycle parking.

2

Application Number: AWDM/1711/16                      Recommendation – Approve

Site:                      Land West Of 183 Old Fort Road, Shoreham by Sea, West Sussex

Proposal:              Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof.

3

Application Number: AWDM/1264/16                      Recommendation – Refuse

Site:                      The Old Lifeboat House, Shopsdam Road, Lancing, West Sussex

Proposal:              Construction of 1 x 3 bed dwelling (west of 10 Shopsdam Road).

**4**

**Application Number: AWDM/1632/16**

**Recommendation – Approve**

**Site: 303 Upper Shoreham Road, Shoreham by Sea, West Sussex**

**Proposal: First-floor front extension over existing garage to north elevation and single-storey side extension to west elevation.**

Application Number: AWDM/1625/16

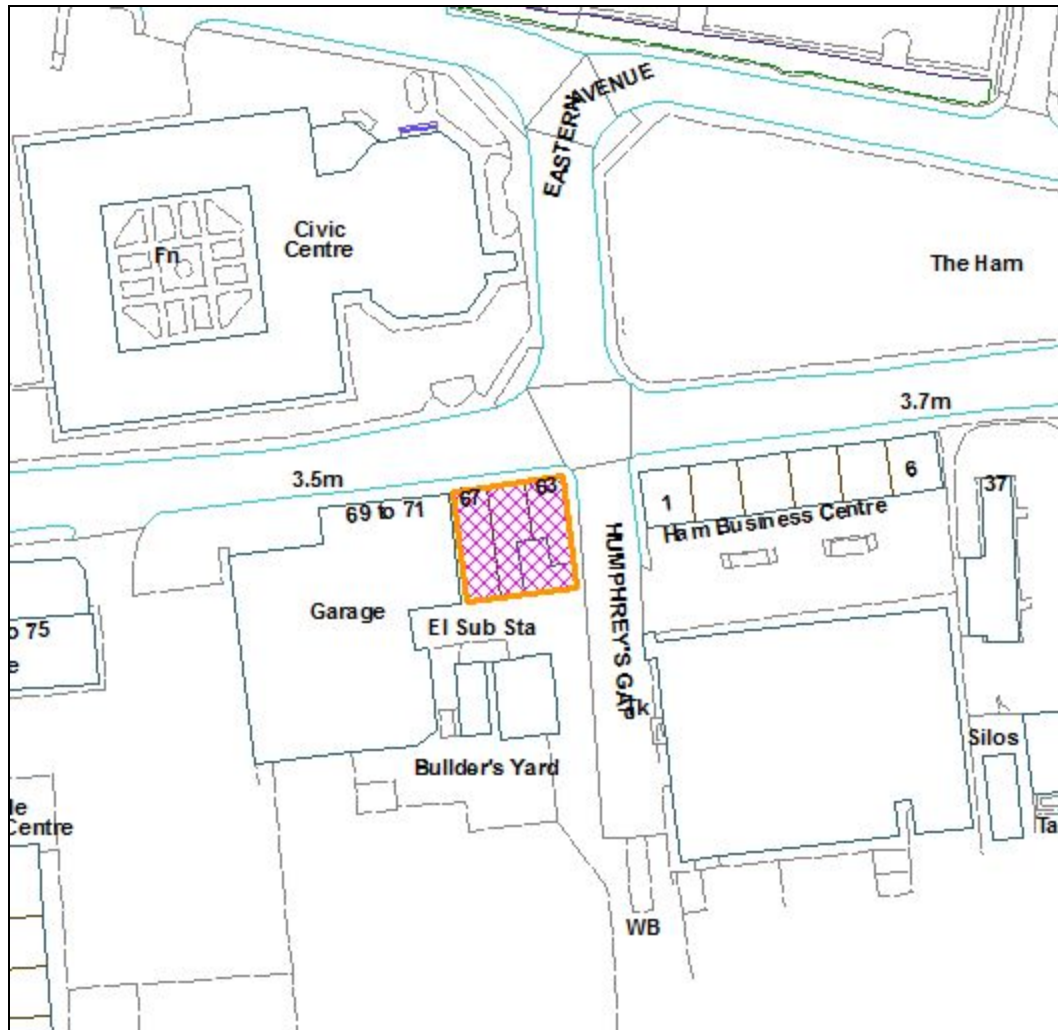
Recommendation – APPROVE

Site: Development Site At 63 To 67 Brighton Road,  
Shoreham-By-Sea

Proposal: Demolition of existing building and mixed use redevelopment of 63-67 Brighton Road to construct 5 storey building to provide 37sqm of A3 (restaurant/cafe)/A4 (drinking establishment) and B1 use on ground floor and 14 dwellings comprising 3 studio flats, 7 x 1 bed flats and 4 x 2 bed flats on first to fourth floors, plus 7 car parking spaces and cycle parking

Applicant: Summertown Limited  
Case Officer: Peter Barnett

Ward: St Mary's



Not to Scale

## **Site and Surroundings**

The application relates to a site at the junction of Brighton Road, Eastern Avenue and Humphrey's Gap. It is a square site with a Brighton Road frontage and depth of 18.5m. The application property is a two storey pitched roof building with front and rear dormers. It has a three storey flat-roofed extension at the rear. It abuts the Frosts car showroom to the west, with the two storey Ham Business Centre to the east. Opposite the site to the north is the former Adur Civic Centre (3 storeys) and the Ham recreation ground. To the south is the site owned by Minelco Ltd which is likely to be subject of a mixed use redevelopment scheme later this year.

The site subject of this current application did form part of a previous application for the comprehensive redevelopment of this area, including a Morrison's food store (AWDM/0762/13) but it is currently excluded and is a stand-alone site of 0.03ha.

The building is currently vacant but was formerly in business use. Access to the site is via Humphreys Gap, a public hard, which also serves car parking at the rear of the Ham Business Centre.

## **Proposal**

It is proposed to demolish the existing building and to construct a 5 storey building, the top floor of which will be set back from the frontage and, to a lesser extent, from the east and south. The building will provide a small commercial space (37sqm) on the ground floor frontage with a 7 space car park, bike store, bin store and plant room also on the ground floor.

The upper floors will provide 14 flats comprising 3 studios, 7no. 1 bed flats and 4no. 2 bed flats. Each flat on floors 1-3 will have small balconies with the top floor flats having a roof terrace.

The building will be flat-roofed with white rendered walls with a stone plinth on the ground floor and a zinc standing seam roof. It will be 14.2m high with an additional 0.9m high lift enclosure set back in the centre of the roof.

The application was accompanied by a Design and Access Statement, a Planning Statement, Flood Risk Assessment and Transport Statement.

The Planning Statement explains that the applicants support the Council's aspirations for the comprehensive redevelopment of the site and surrounding area. However, the site currently has limited value in its existing condition and the purpose of the application is to increase its value and development potential should the comprehensive proposals not move forward.

## Relevant Planning History

AWDM/0762/13 - Full permission for (Class A1) food store, (Class A1-A5) retail uses - including restaurants, cafes and drinking establishments, (Class D2) Leisure, (Class C3) residential uses, a (Sui Generis) petrol filling station, car wash and associated access, car parking and landscaping; and Outline permission with all matters reserved except access for (Class C3) residential and (Sui Generis) car showroom uses and associated access, car parking and landscaping – permission granted subject to completion of s106

## Consultations

**West Sussex County Council: Original Comments:** No objection from a transport/highways aspect subject to conditions requiring cycle parking, vehicle parking, gates and a construction management plan. Comments that the submitted Transport Statement reveals the increase in vehicle trips associated with this development would not cause any material capacity issues, and the overall increase in trips from the residential development would be minimal.

The development proposal includes parking provision involving a total of 7 car parking spaces and 11 cycle parking spaces. It is considered that car parking provision ought to be provided within the confines of the development. Our reasoning for this is based on the Free Wharf proposals which indicate Humphreys Gap will be a pedestrian dominant route down to the riverside; and therefore on-street parking is unlikely to be designed into the street scene in the future; like it is now.

With this and the WSCC car parking standards in mind; allocated spaces to each dwelling should be provided. The WSCC car parking standards indicate that, based on an allocation of 1 space per dwelling the development should provide 14 spaces for residents and 2 spaces for visitors. Can the applicant provide this level of parking or can they come up with a solution to increase the number of car parking spaces?

The Transport Statement indicates that given the low volume of ground commercial floor-space there is no requirement to provide dedicated customer parking. It is however recommended that at least one space be provided in association with this proposed use to cater for staff or even deliveries. No parking for the use would not be acceptable given its location and impact this could have on the surrounding parking areas.

The site is considered to be within a sustainable location with all the amenities Shoreham Town Centre has to offer in close proximity to the site. The train station and bus services are also within acceptable walking distances as per the CIHT guidance for travelling distances to bus and train stations. The site is already close to the existing south coast cycle network, and plans to extend this within the Free Wharf development will help to create a cycling friendly space.

Refuse/Waste collection arrangements will continue from Humphreys Gap as normal.

Currently there is plenty of space for HGV/Refuse vehicles to turn using the disused Minelco sites car park. This will have to be reviewed at a later stage when the free wharf proposals are implemented.

A demolition/construction management plan will need to be submitted to the LPA to ensure the public highway is maintained clear of any construction related vehicles at all times.

**Highway Comments on 2<sup>nd</sup> Consultation:** Further information has been received from the applicant in the form of a parking survey, further demonstration of available car parking in the immediate vicinity of the site and the confirmation that the gate will be 2.5 metres back from the back edge of the highway. The Highway Authority would be satisfied with this.

In terms of parking, further information has been provided on available parking opportunities. There are several unrestricted local roads within 4-6 minutes of the site where residents would be able to park if required. Most of these survey areas are accessible easily to and from the site.

In relation to potential on-street parking there does not seem to be any available spaces along Humphreys Gap within the public highway which is subject to waiting restrictions. The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

The LHA would advise that the other comments previously made in support of this application would still stand. In summary the LHA are satisfied that the additional information overcomes the concerns previously raised.

**Adur & Worthing Councils:** The *Environmental Health* officer comments that the area of development has been identified by DEFRA as an area severely affected by traffic noise. He also notes that there are existing industrial units adjacent to the proposed residential units. He has asked for an acoustic assessment to be undertaken to ascertain the exact noise exposure of the property including a scheme to protect the habitable rooms and amenity areas from excess noise. This can be dealt with by condition.

The application site lies within approximately 150m of the High Street Air Quality Management Area (AQMA). As this is a major development within close proximity to the AQMA we will require an air quality impact assessment and emissions mitigation assessment to be carried out in accordance with the Air Quality and Emission Mitigation Guidance for Sussex.

The **Contaminated Land** Officer requires the full contaminated land condition.

The **Engineer** has no objection subject to condition requiring details of surface water disposal. It is noted that the site is located in Flood Zone 3, and it appears to have the potential to be affected by surface water flooding from the highway, but has no history to his knowledge of any previous flooding.

**Shoreham Harbour Regeneration Team: Original Comments:** Although the proposed mix of uses is acceptable for this area, the proposal does not meet policy requirements with regard to sustainability statements, energy and heat, flood risk and sustainable drainage and ecology and biodiversity. It is therefore suggested that this application be recommended for refusal.

If the application is approved it is recommended that the following issues be addressed through planning condition:

- Development to provide a minimum 10% on site renewable or low carbon energy generation.
- Development to use a communal heating and hot water system that is suitable for future connection to a future heat network and required to connect once delivered.
- Development to incorporate sustainable drainage and green infrastructure enhancement, such as through green roofs, rainwater harvesting, etc. to minimise surface water run off and deliver net gain to biodiversity.

**Shoreham Harbour Regeneration Team: 2<sup>nd</sup> Consultation:** The Sustainability Statement does address the requirement of the guidance note. The application therefore meets this policy requirement.

The statement states that 10% of energy requirements will be met from on-site solar photo-voltaic panels and that space will be reserved for future connection to a heat network. As this is not specified in the planning application itself, these should be stipulated through planning conditions. Provided this is the case, the application meets the policy requirement in this area.

The statement sets out measures to green the site. These are also not included in the original planning application and should be stipulated through planning condition. Trees should be native species suitable for the location. Podium level planting should incorporate areas of vegetated shingle.

The statement states that the requirement for sustainable drainage systems (SuDS) will be met by rainwater attenuation. This, again, is not in the planning application. It must therefore be stipulated through planning condition.

The Energy and Sustainability Statement addresses most of the concerns that I raised in my previous comments. However the identified measures are not included in the application itself. Therefore, should the application be approved a number of planning conditions should be attached in order to ensure the development is policy compliant.

**Environment Agency:** Object. The application has failed to demonstrate that it meets the requirements of the second part of the flood risk Exception Test. Part 2 of the Test requires the applicant to demonstrate in a site specific FRA that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

**Southern Water:** No objection subject to condition requiring details of foul and surface water sewerage disposal

## **Representations**

1 letter of objection received from the occupier of Unit 1 Ham Business Centre:

- There are 6 business units in the business centre which use Humphreys Gap for access.
- During peak times, exit from or entry to the A259 is almost impossible due to amount of traffic on A259
- HGV traffic uses Humphreys Gap
- Both sides of Humphreys Gap and some of the parking to the Ham Business Centre is taken up with double lines of parked cars owned by staff of Frosts Cars, along with cars and vans from visiting members of the public.
- 7 parking spaces for the proposed development is entirely inadequate for 14 dwellings and will lead to further encroachment into the parking area for the business centre
- Refuse collection will generate additional traffic
- Loss of light to side window in Unit 1 due to height of proposed building

## **Relevant Planning Policies and Guidance**

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AG3, AP4, AT1, AT10, AH2-3, AH5, AR16 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.2 'Space Around New Dwellings and Flats';

Submission Adur Local Plan 2016 Policy 8 (Shoreham Harbour Regeneration Area), Policy 20 (Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy), Policy 22 (affordable housing), Policy 31 (Green Infrastructure), Policy 32 (Biodiversity), Policy 37 (Flood Risk and Sustainable Drainage)

Draft Shoreham Harbour Joint Area Action Plan (2014): Policy JAAP 13 (Sustainable Design and Energy), Policy JAAP 27 (Managing Flood Risk), Policy JAAP 28 (Nature Conservation)

Shoreham Harbour Flood Risk Management Guide (2015): Principle FRMG1 (Flood Risk Assessment), Principle FRMG7 (Sustainable Drainage Systems)

Western Harbour Arm Development Brief (2013): Principle WH13 (Energy), Principle WH20 (Ecology and Biodiversity)

Sustainability Statements Guidance Note (2013)

Shoreham Harbour Heat Network Study (2015)

National Planning Policy Framework (March 2012)



## **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The site lies within the Shoreham Harbour Western Harbour Arm and is identified within the associated Development Brief and emerging Adur Local Plan as being suitable for mixed use redevelopment. The proposal is for residential development on the upper storeys with a small amount of commercial floorspace at ground level which is considered to broadly comply with the policy aims for this area. Furthermore, it is a brownfield sustainable site with good access to public transport and local amenities and its redevelopment at a higher density would meet current NPPF policies which provide significant emphasis on encouraging the effective use of underutilised brownfield land.

Whilst the development would result in a reduction of existing employment floorspace, there are no employment protection policies in the adopted Local Plan and emerging policies support the relocation of existing businesses to facilitate new residential development as part of the regeneration of the Harbour. The current site is vacant and the existing building appears to have little prospect of being re-used.

There are therefore no objections in principle to the current application proposal.

### ***Density, height, character and appearance***

The development is replacing a 2-3 storey building with a 5 storey building. This height complies with the Western Harbour Arm Development Brief which envisages building heights of between 4 or 5 storeys. The height, while noticeably taller than the Ham Business Centre to the east and the Frosts showroom to the west, should also be seen in context with what is likely to come forward on the adjoining Minelco land, where greater building heights are proposed on a larger scale, and on the Civic Centre site opposite.

The development approved to the west at the former Parcelforce site which is currently under construction is also stepped up in height to 7 storeys. The proposals for this site are therefore not considered to be excessive or out of character in this

context. The top floor will be stepped back from Brighton Road as well as from the east and south sides to reduce the bulk of the building. The building itself is set back from the pavement edge by 300mm.

The building has a simple design with a modest palette of materials, being largely rendered with a cantilevered zinc roof. The provision of stone cladding on the ground floor and balconies for each flat helps to add some interest to the elevations, particularly on the north east corner where the building will be most visible on the junction with Brighton Road and Humphreys Gap. Details of the external materials finish and design details of the windows can be secured by condition.

### ***Residential amenity***

The internal floor areas of the proposed flats meet the national housing space standards. Externally there is no space for an amenity area around the building but each flat on floors 1-3 has a small balcony (between 4.5sqm and 6.4sqm) while the top floor flats will have a larger roof terrace. In the circumstances, such provision is considered to be acceptable.

With regard to noise levels, the building will be very close to a busy road junction and traffic noise has the potential to cause disturbance to future residents. However, the applicants have produced a Noise Assessment which has found that ambient noise levels inside the proposed development are likely to meet the guideline criteria contained in BS 8233:2014 through the use of appropriately specified glazing and ventilation systems, particularly for those flats on the Brighton Road frontage. Final details of these systems can be reserved by condition.

### ***Accessibility and parking***

The application site is limited in area with little or no space around the proposed building for amenity space or parking. Consequently, parking is to be provided on the ground floor of the proposed building in the form of 7 spaces, including 1 disabled user space, plus 11 bicycle storage spaces. The access into the proposed car park is located well away from this junction and will be gated, set 2.5 metres back from the back edge of the highway. West Sussex Highways are satisfied with this approach.

Initially, West Sussex County Council Highways asked for 16 car parking spaces to be provided within the development as on-street parking is unlikely to be designed into the street scene in future redevelopment proposals for the surrounding site and this could lead to parking congestion on adjoining land.

The applicants are unable to provide any more parking within the development. They have responded by stating that there are several unrestricted local roads within 4-6 minutes of the site where residents would be able to park if necessary. These include Dolphin Road, Corbyn Crescent, Eastern Avenue, Eastern Close and Gordon Road. In relation to potential on-street parking adjacent to the site, there are not any available spaces within the public highway due to the presence of double yellow lines.

The site is also in a sustainable location, being close to Shoreham town centre and with train and bus services in acceptable walking distances from the site.

West Sussex Highways have considered this response and have confirmed that their initial concerns have been overcome.

### ***Flood risk***

The site lies within Flood Zone 3a and the proposed development is classified as being 'more vulnerable'. The applicants have revised their Flood Risk Assessment following an initial objection from the Environment Agency. It states that the building will be designed to mitigate against flooding, with no residential accommodation to be provided on the ground floor. Future occupants will be registered with the Environment Agency's flood warning scheme to enable safe evacuation of the building.

The comments of the Environment Agency on the revised FRA were still awaited at the time of writing and an update will be provided at the meeting.

### ***Affordable housing***

The current affordable housing policy in the adopted Adur District Local Plan does not require any such provision for developments of less than 15 dwellings. The emerging Adur Local Plan policy 22 does include a requirement for some provision but that policy is due to be tested at the forthcoming Local Plan Inquiry and, as such, it is not being applied at the present time.

Consequently, there is no requirement for any affordable housing provision in this development.

### ***Sustainable and resource efficient buildings***

As originally submitted, the application did not include a Sustainability Statement as required by Policy 8 of the Submission Adur Local Plan (2016), Policy JAAP13 of the Draft Shoreham Harbour Joint Area Action Plan (2014) and Principle WH1 of the Western Harbour Arm Development Brief (2013) to accompany all development proposals within the part of the Shoreham Harbour Regeneration Area within Adur and the Shoreham Harbour Regeneration Officer has subsequently raised an objection.

A Statement has since been submitted which confirms that a number of sustainable and energy efficient measures are to be included in the building design including thermal insulation beyond usual standards, a central plant room designed to supply heat and hot water to all new dwellings and the capacity to connect to a proposed district network. The feasibility of incorporating Combined Heat and Power (CHP) into the development was investigated but the Statement advises that there is insufficient electrical or heat demand within the development to effectively run a CHP system. Biomass boilers, wind turbines and ground/air source heat pumps were also not found to be feasible but 35sqm of PV panels located on the roof is possible, which would

reduce energy consumption by 11% across the site, thereby meeting the requirement for 10% of energy from renewables. Such provision can be required by condition.

Overall, the sustainability strategy is considered to be acceptable.

### ***Contaminated land***

The site is potentially contaminated and a full investigation and subsequent remediation will be required by condition.

### **Recommendation**

**Subject to the removal of the objection from the Environment Agency, APPROVE**

### **Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. Full contaminated land investigation required
4. Foul and surface water disposal details to be agreed. Surface water drainage shall incorporate sustainable drainage methods, including rainwater attenuation, and the approved development shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.
5. Details of external materials and details of windows and doors to be agreed
6. Car and cycle parking spaces to be provided
7. The gate to the parking area shall be positioned at least 2.5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated.
8. Construction management plan to be agreed
9. Air quality impact assessment and emissions mitigation assessment to be carried out prior to commencement
10. Details of means of protecting the habitable rooms and amenity areas from excess noise to be submitted and agreed prior to commencement
11. At least 10% of the energy supply of the development shall be secured from renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved details shall be implemented in accordance with the approved timetable prior to the commencement of the development and retained as operational thereafter or the use of the building, unless otherwise agreed in writing by the Local Planning Authority.
12. Space heating and hot water in the development must be delivered through a central, communal wet system, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This should operate at

- an appropriate temperature for connection to a future heat network. Plant rooms should be situated to consider future pipe routes and sufficient space must be allowed for building/network interface equipment (such as heat exchangers). A pipe run must be provided between the plant room and the highway.
13. No development shall take place until a detailed design of green landscaping and planting has been submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. Appropriate native species, including vegetated shingle planting should be included.

and any additional conditions that may be suggested by the Environment Agency.

6<sup>th</sup> February 2017

Application Number: AWDM/1711/16

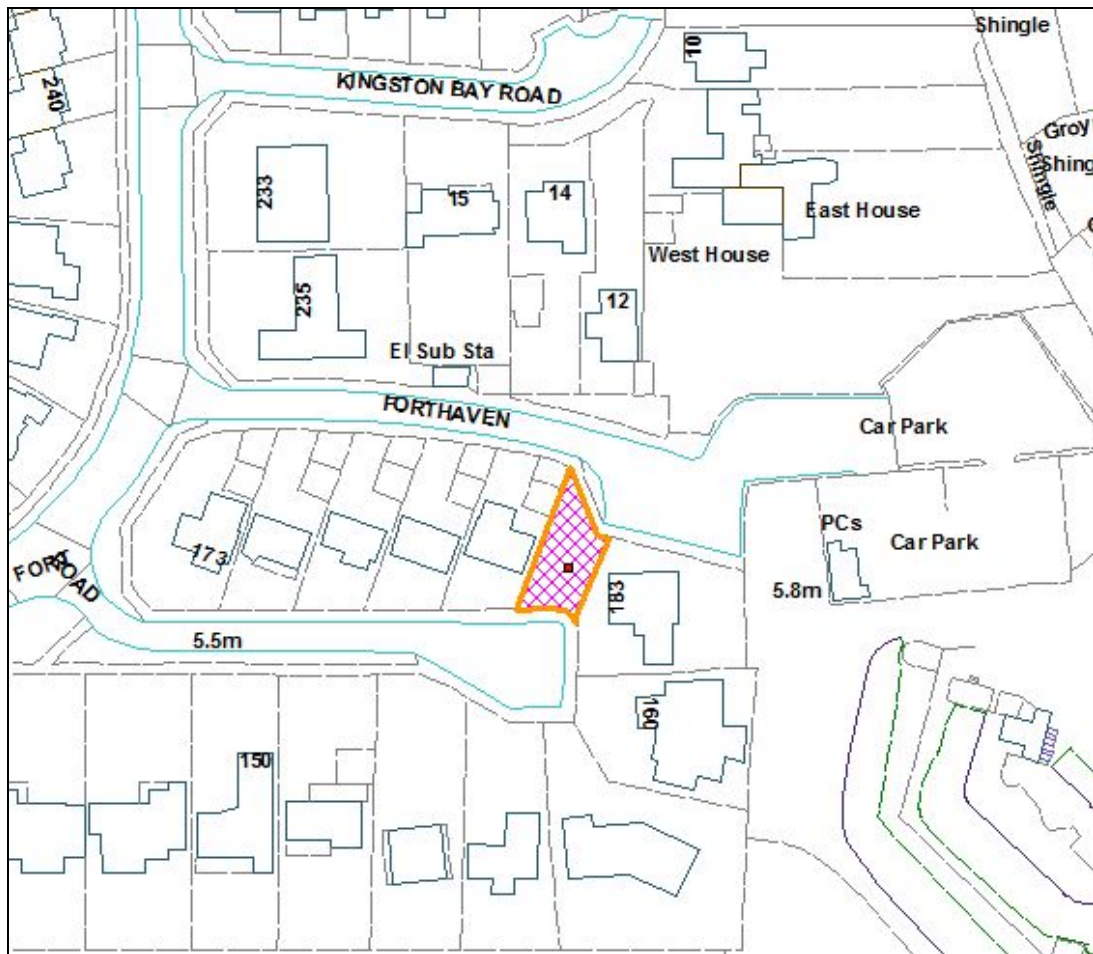
Recommendation – APPROVE

Site: Land West Of 183 Old Fort Road, Shoreham-By-Sea

Proposal: Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof

Applicant: Mr Paul Davis  
Case Officer: Peter Barnett

Ward: Marine



Not to Scale

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### Proposal, Site and Surroundings

This application was deferred from the January Adur Planning Committee for a Members site visit to assess the impact on the neighbouring garden. The visit was scheduled to take place on 2 February. Since the last meeting, the applicant has commissioned a Daylight/Sunlight and Overshadowing Report and its findings are

described later in this report.

The application site currently consists of an area of garden and a detached, flat-roofed double garage attached to the west side of 183 Old Fort Road. The site is at the eastern end of Shoreham Beach, within a cul-de-sac off the main stretch of Old Fort Road, close to the Old Fort itself.

The application proposes to demolish the garage and construct a two-storey contemporary 3-bedroom dwelling. It will have a 'saw tooth' roof which gives the appearance of a pitched roof when viewed from the front with a flat roof at the rear. The pitched roof will be covered with solar panels. The dwelling will have a rendered first floor which will overhang the facing brick ground floor at the front. The plot is also an irregular shape with a rear garden which is triangular-shaped and narrows to a sharp point to the north. The plot is approximately 10.5m wide at the front.

The dwelling will be set back from the front of No. 181 to the west but will also project further to the rear than that dwelling.

The site is at the end of the street and the existing dwelling is of a different form and scale to those to the west, being flat-roofed and two storeys with rendered walls compared with more traditional two storey dwellings with pitched roofs and facing brickwork. It provides an end stop to the cul-de-sac. There is a public parking area at the rear (north) of the site.

Two parking spaces are proposed for the new dwelling at the front of the site.

The application has been 'called in' by Councillor Loader.

### **Relevant Planning History**

AWDM/0122/14 - Demolition of existing double garage and erection of two-storey three-bedroom detached house with solar array on roof – refused for the following reasons:

- 1. The proposed dwelling, by reason of its size, design and siting within the plot, would represent an over development of the plot and would be a cramped, prominent and intrusive form of development, harmful to the character and appearance of the existing street scene. It would therefore be contrary to saved policies AG1 and AH2 of the Adur District Local Plan, Supplementary Planning Guidance' comprising Development Control Standard No.2 'Space Around New Dwellings and Flats' and the policies of the National Planning Policy Framework.*
- 2. Having regard to the limited area of the site and its relationship to the existing residential property to the west (No.181), the proposal, by reason of its size and height, would give rise to an unneighbourly form of development which would be detrimental to the residential amenities and environment of the locality, resulting in loss of light and an overbearing effect on the existing dwelling*

*contrary to the saved policies of the Adur District Plan (AG1, AH2) and the policies of the National Planning Policy Framework.*

## **Consultations**

**West Sussex County Council:** The **Highway** Officer has no objection subject to conditions securing access, car and cycle parking. Comments that the dwelling will be served via a new dropped crossing access point from Old Fort Road. Old Fort Road is unclassified and subject to a 30 mph speed limit. The site is located at the eastern extend of Old Fort Road, which is a no through road at this point.

Given the context of the location no highways concerns would be raised to the implementation of a vehicle crossover in this location. The crossover must be implemented under licence to a specification obtained from WSCC Highways.

The proposed dwelling will be served via two off street car parking spaces. This would be considered appropriate for a dwelling of this size in this location. The applicant has demonstrated that 183 Old Fort Road will retain three off street spaces despite the loss of the garage. Again this quantity of provision would be considered appropriate for a dwelling of this size in this location.

The proposed dwelling should be provided a secure and covered cycle parking provision in the interests of sustainability. The garage of 183 Old Fort Road may have also been used as a cycle storage facility so unless already available I would also ask that 183 Old Fort Road is also provided with a replacement secure and covered cycle parking facility.

In conclusion the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

**Adur & Worthing Councils:** The **Engineer** has no objection. The site lies outside areas affected by surface water flooding according to the EA maps but lies within EA flood zone 2 and is surrounded by land within flood zone 3.

It is noted that the proposed ground floor levels of 6.0m shown on the drawings and referred to in the EA generic FRA, is the minimum required.

Disposal of surface water should be via soakaway as proposed, and with the area being underlain by shingle no formal soakage test will be required.

The **Private Sector Housing** Manager has no objections.

The **Environmental Health Contaminated Land** Officer recommends the precautionary condition and PFA informative.



**Environment Agency:** No objection subject to a condition requiring the development to be built in accordance with the submitted Flood Risk Assessment and specifically that finished floor levels are set no lower than 6.00m AOD. Comment that consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels

**Southern Water:** Formal connection to public sewerage system required.

## **Representations**

4 letters of objection received from the occupiers of 116, 156 and 181 Old Fort Road and the Chair of the Shoreham Beach Residents' Association:

- Increased traffic and parking in cul-de-sac which already suffers from congestion at times, causing refuse lorries to have difficulty in turning
- Existing garage will be demolished, therefore losing a parking space
- Existing drainage problem will be worsened
- Plot is too small with no space around the edge of the house to the boundary
- Previous application was refused
- Current scheme is an improvement but will still be cramped and detrimental to the street scene
- Overdevelopment
- Loss of light to rear patio and kitchen/utility of 181
- Increased sense of enclosure
- No meaningful daylight/sunlight analysis has been carried out
- Consideration should be given to draft policies of emerging neighbourhood plan for Shoreham Beach which seek to conserve the unique character of the area and resist poor design
- NPPF also seeks to secure high quality design and resist designs that fail to improve the character and quality of an area and the way it functions
- No sequential test has been carried out.
- Development in areas at risk of flooding should only be allowed in exceptional circumstances
- Previous reasons for refusal are still relevant
- Design does not complement its context and is not a good representation of a more contemporary style
- House will have limited amenity space

## **Applicant's response**

The architect has responded to the objections as below:

- Parking- The proposals include two off street parking places which complies with policy.

- Overdevelopment- The proposals have a similar or better plot ratio when compared with other houses on the north side of Old Fort Road, and garden space and separation all comply with or exceed guidance. Separation distances from adjoining buildings are generous and exceed those typical in the locality. The building does not appear cramped in its setting.
- Design- The design approach is set out in the DAS and takes care to key into the form and materials of the surrounding buildings while creating a fresh and contemporary building providing excellent amenity and sustainable living accommodation. It is carefully, and if modesty allows, well designed.
- Residential amenity of 181 Old Fort Road- The principal issues here are the effect on windows in the side elevation and the sense of enclosure to the north facing courtyard. The rear courtyard space of 181 is quite constrained by the garage block of 181 and the rear extension to the same building. We have taken great care to minimise impact on the adjoining building by increasing the separation distances (3m at ground floor and 4m at first floor as well as cutting back the roof to the rear of the building. The rear of our proposal is beyond the rear of 181; however this is simply a consequence of the chevron plan arrangement of these houses. If you take a line east from the centre of the courtyard elevation of 181, the corner of our proposal does not pass beyond it, and I believe this is a reasonable relationship. The separation distances are above and beyond normal practice and we believe the proposals will not impact the amenity of No. 181 significantly.
- Daylighting- The room most affected with a window and glazed door of 181 facing the site is a shallow room that appears to be a utility or store room, due to careful design of the proposals (as discussed above) and the small room dimensions with a large glazed area we believe daylighting will remain acceptable. Although outlook will be reduced this would seem reasonable for a room in this position. The window at first floor is a secondary window to a well lit room with a very large south facing window, and we believe the design has suitably addressed this issue. There are no windows in the western flank that could give rise to privacy issues.
- The emerging neighbourhood plan has been mentioned in objections, and I am fully aware of the current emerging policies as I have been closely involved with the development of these policies. The NP does not seek to prevent new development and is supportive of good quality sustainable design.

### **Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2 and Appendix 11 'Supplementary Planning Guidance' comprising:  
 Development Control Standard No.2 'Space Around New Dwellings and Flats'  
 Submission Adur Local Plan (2016) Policy 15, 21  
 National Planning Policy Framework (CLG 2012)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

## **Planning Assessment**

### ***Principle***

The proposal comprises new housing stock 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 street scene.

### **Visual amenity**

The proposed dwelling will be set back behind the front of 181 by approximately 1.9m at ground floor level and 1.2m at first floor. When viewed from the west along Old Fort Road it will maintain the staggered line of housing in the cul de sac, albeit with less of a stagger than can be found elsewhere.

Even with less of a set-back, it is considered to be sufficient to ensure that the building is not unduly prominent in the street scene. The dwelling will have a lower ridge than No.181. A 2.05m gap is maintained to the boundary with No.181 and, while the proposed building will sit hard against the new boundary with No.183, sufficient space in excess of 2m will remain to the side of the house itself. Such distances ensure that the building will not appear cramped within the plot. Two car parking spaces are proposed at the front but with a landscaped area provided adjacent to the spaces which will help soften the frontage.

From Forthaven to the north the building will have a flat roofed appearance which reflects the form of No. 183. It will be taller than No.183 but lower than No.181 and is considered to be of an acceptable scale. It will sit forward of the rear of No.183 but will not project as far as the two-storey projection at the rear of No.181, or the garage of that property. Consequently, it is not considered that it will be unduly prominent in views from Forthaven.

Objections have been received to the design of the building but government guidance, in the form of the NPPF, advises that "*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle*

*innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

Old Fort Road contains a wide variety of housing styles and within this particular section of the road there is also a mixture of traditional pitched roof and more contemporary flat roofed forms. The proposal attempts to respond to this variety and it is considered that the design successfully reinforces a sense of local distinctiveness. It does not represent a ‘two-for-one’ development in that an existing dwelling is not being demolished to accommodate the proposed building. It also does not result in the loss of a traditional bungalow, an issue over which there has been sensitivity in recent years. The form, scale and layout of the building are considered to respect the character and pattern of development in this part of the street and there are not considered to be sustainable reasons to object to the proposal on design grounds.

### **Residential amenity**

The host dwelling has eight windows on its west elevation but the proposed dwelling will stop short of projecting beyond those windows. At the rear, the dwelling will project beyond the rear wall of No.183 by 4m. However, the existing garage (which is to be demolished) already obstructs light and outlook to some extent for the existing ground floor rear window at 183 and it is considered that the proposed building, being sited further away, will enable a greater outlook from that window. Being to the north-west, the proposed dwelling will not have a serious adverse impact on light to 183.

To the west, 181 has a first floor side window facing the site which is a secondary window to a bedroom which is also served by front (south) facing patio doors leading to a balcony. The set back of the proposed dwelling should not adversely affect light or outlook to this room.

On the ground floor, 181 has a utility/kitchen window and door towards the rear of the side elevation and a small rear (north) facing patio at the rear. The patio has restricted light and outlook as a result of its position to the north of the building and the position and proximity of that property’s detached garage and a two storey rear extension on the west side of 181. The previous refused proposal brought the house much closer to 181 (1m from the boundary) and would have adversely affected light and outlook to these areas. The current proposal has reduced the bulk of the dwelling by providing a flat roof at the rear and stepping in the first floor at the side. This results in less bulk and a greater distance to the boundary of 2.05m at ground floor and 3.3m at first floor (compared with 1m previously). While the proposed dwelling projects beyond the rear of 181, this follows the established, staggered pattern of development to the west and it will not breach a 45 degree line measured from the mid-point of the nearest ground floor opening in the rear elevation of 181. It is considered that the separation between the buildings (4m at first floor, compared with 2m previously) is sufficient to prevent any serious harm to the residential amenities of the occupiers of 181.

The applicant's Daylight/Sunlight and Overshadowing Report concludes that "the proposals meet the Building Research Establishment (BRE) guidelines' criteria with only a small difference between the existing and proposed situations. In conclusion, we are of the view that the effects of the proposed development with regard to daylight and sunlight are within the criteria suggested by the BRE guidelines."

The guidance advises that only those windows that have a reasonable expectation of daylight or sunlight need be assessed, such as "living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed." In this case, the affected room is a utility room and does not need to be assessed. Nevertheless, the report demonstrates that "the reduction of daylight to the surrounding windows and the rooms they serve falls within the permissible criteria as set out in the BRE guidelines and that the property will continue to receive a good level of natural light." With regard to amenity areas, while the neighbouring patio area closest to the boundary will lose light, there will be only a small reduction from 35% to 33% in the garden as a whole, which is well within BRE permitted guidelines.

The proposed dwelling would meet the National space standards (105sqm internal floor area compared with standard of 93sqm for a 5 person 3 bed house. It will have a garden area of over 100sqm. The rear garden would be of a triangular shape and would have a width of less than 3m at the north end and where it projects to the east. However, other properties to the north which back onto Forthaven also have similarly smaller gardens and it is considered, on balance, that the shape of the rear garden is not sufficient reason alone to justify refusal of the application. The host dwelling (183) will retain adequate garden space to the east.

### **Parking and access**

The application provides space for 2 off-street parking spaces which is in accordance with current standards for a development of this size in this area. The existing garage to 183 will be lost but that property will still have sufficient space for off-street parking on its west side. WSCC have not raised an objection to the proposal and it is not considered that the proposal will cause increased congestion in the cul-de-sac.

### **Flood Risk**

The site lies within Flood Zone 2 and is at risk of flooding. It is not considered that there are reasonably available sites in areas with a lower probability of flooding which are appropriate for new housing. A new house would help meet the Council's 5 year housing land supply and, provided the site-specific flood risk assessment demonstrates that the development will be safe, there is no objection in principle to development on this site.

The applicant has submitted a Flood Risk Assessment with the application which states that the finished floor level of the dwelling would be 6m AOD which takes account of the 1 in 200 year storm surge level of 5.4m AOD, plus 600mm. The Council's Drainage Engineer and the Environment Agency have not raised any

objections and there are therefore no flood risk concerns with this proposal.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. External materials
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated 07/11/2016) and the following mitigation measure detailed within the FRA (Table 1.0):  
Finished floor levels are set no lower than 6.00m above Ordnance Datum (AOD).

The mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

5. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.
6. 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.
7. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided for both the approved dwelling and existing dwelling at 183 Old Fort Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
8. Removal of PD rights for future extensions and outbuildings

#### **Informatives:**

1. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
2. Precautionary land contamination
3. PFA
4. Consideration should be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical

services into the building at a high level so that plugs are located above possible flood levels

5. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water
6. 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
7. 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.

6<sup>th</sup> February 2017

Application Number: AWDM/1264/16

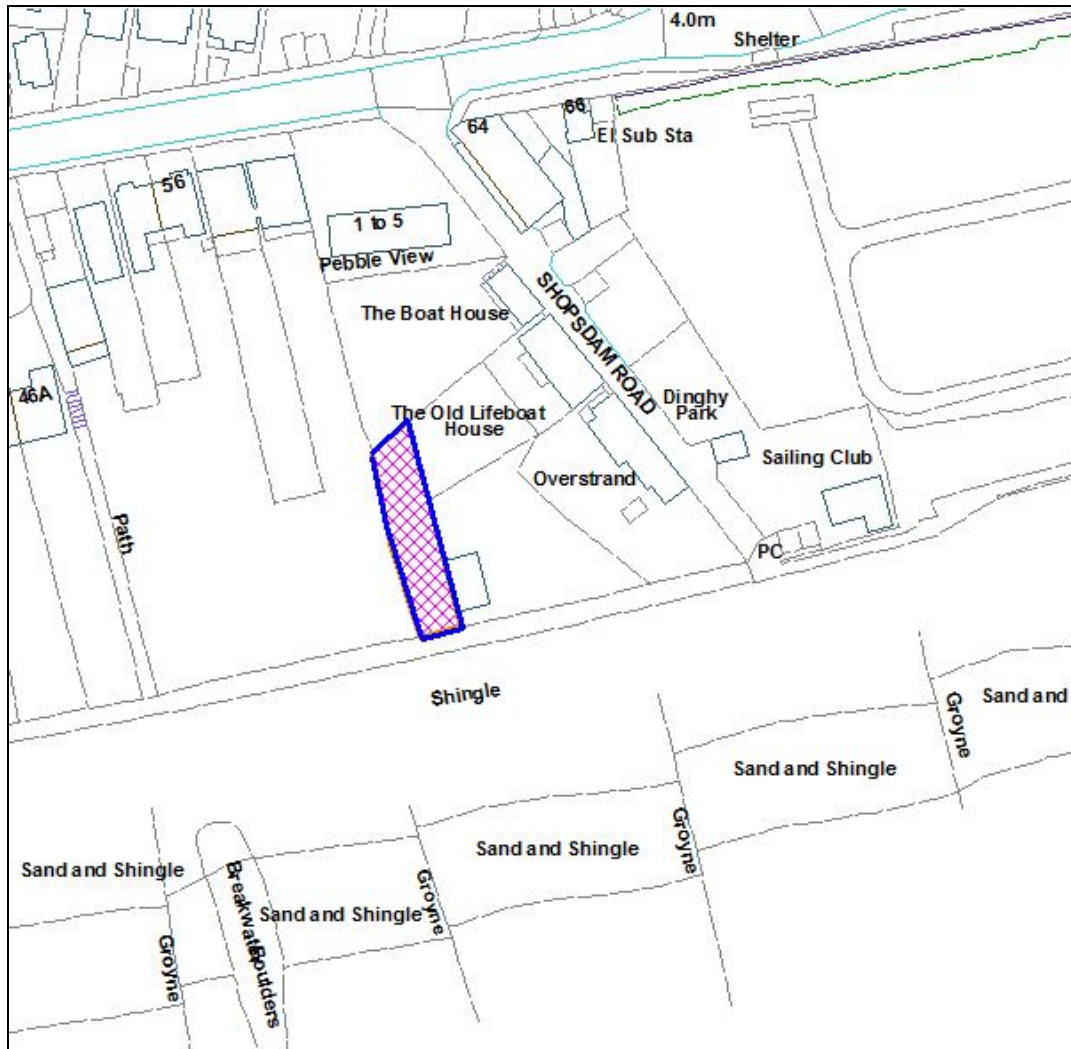
Recommendation – REFUSE

Site: The Old Lifeboat House Shopsdam Road, Lancing, West Sussex

Proposal: Construction of 1 x 3 bed dwelling (West of 10 Shopsdam Road)

Applicant: Mr Des Moore  
Case Officer: Matthew Porter

Ward: Widewater



Not to Scale

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### Proposal, Site and Surroundings

The proposal is for a detached 3 bed dwellinghouse to the rear and south of The 'Old Lifeboat House'. It would be a two-storey contemporary design orientated toward the



sea, and built on silts (due to flood risk) with an external staircase. The building would measure (from lowest ground level) 9 metres in height, 18.6 metres in length, and 7 metres in width. There is no allocated parking for the building - it would be accessed by foot via the promenade.

The site is next to a boat yard. The 'Old Lifeboat House' itself is single storey fronting the road but has a lower floor at the rear (as the level of the land drops).

Shopsdam Road is an unmade road, which also serves as a public footpath to the seafront and beach. Its western side has been developed with a variety of buildings including 3 houses that replaced a former dwelling (Overstrand) and a large house that, together, were approved on appeal in 2010. This large house, and its neighbour (Lancing Sailing Club), front onto the promenade adjoining the beach.

This application is accompanied by a Flood Risk Assessment. It has been called-in by a Member for Widewater Ward.

A 7 dwelling scheme submitted at the same time as this scheme (AWDM/1263/16 refers). This has been withdrawn.

### **Relevant Planning History**

AWDM/1263/16

Demolish existing dwelling house to the west of Shopsdam Road and replace with a terrace of 3 x 5 bed dwellings and associated car parking and 4 x 4 bed dwellings and associated car parking to the east of Shopsdam Road.

Withdrawn 18-11-2016

AWDM/0678/12

Demolition of existing garage and construction of 2 storey accommodation comprising ground floor bedroom and toilet, first floor living area with external terrace and ground floor parking space

Refused 26-07-2012

Appeal Dismissed 21-06-2013

AWDM/0104/11

Demolish existing dwellinghouse and erect 4 four-bedroom houses (with roof terraces) and 8 parking spaces (including existing garage)

Permitted 02-11-2011

ADC/0163/10

Four-bedroom detached dwelling house (with roof terrace, rear balcony and 2 no. covered parking spaces at front) on south part of garden of 'Overstrand'

Permitted 05-07-2010

ADC/0098/10

Demolish existing house and erect 4 four-bedroom houses (each with rear balconies and 2 parking spaces)

Refused 28-04-2010

Appeal Allowed 30-12-2010

## **Consultations**

**Environment Agency:** *In absence of an acceptable FRA we **object** to the grant of planning permission and recommend refusal on this basis for the following reason. Reasons: The site is located within tidal Flood Zone 3 (0.5 AEP), and therefore considered to be at a high probability of flooding. An FRA has been submitted with the application. However, we consider that further details on mitigation measures is required in order to demonstrate they are adequate to deal with the effects and risks of a tidal flood event. The property will be at risk from overtopping of the sea defence embankment, and we require information on how the front of the property will be protected from any residual risks and associated wind-blow debris. Overcoming our objection. The applicant can overcome our objection by addressing the above issues. We recommend that they provide further information on: How the front of the property will be protected from overtopping of the sea defence embankment and any associated wind-blown debris such as shingle. Drawing(s) which show the proposed level of the property in relation to the level of the existing shingle (sea defence) embankment. Sequential Test. Before granting permission, the Local Planning Authority (LPA) should consider whether they are satisfied that the application demonstrates that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. This is required by paragraph 10 of the National Planning Policy Framework. The responsibility for determining whether the Sequential Test has been met lies with the LPA. Our Flood Risk Standing Advice reminds you of this and provides advice on how to do this. Further advice is also accessible in the national Planning Practice Guidance. Safe access and egress. Please note that it is not our role to assess the detail of flood evacuation or emergency plans. 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. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. The national Planning Practice Guidance (NPPG) states that LPAs should consult their emergency planning staff to ensure evacuation plans are suitable through appropriate planning conditions (para. 57 of NPPG 'Flood Risk and Coastal Change'). We therefore recommend seeking comments from the relevant Local Authority emergency planners. Final Comments. Please consult us on the submission of any revised FRA.*

**West Sussex County Council Rights of Way officer:** *WSCC PROW does not have any objection to the proposal. Section of FP2050 that will be affected by this development runs along the access track, from Brighton Road, in a south easterly direction, to the existing and proposed properties in Shopsdam Road. Due to this*

*footpath currently being used for private access by a number of residential properties West Sussex County Council PROW will not be raising an objection to this application. Any access along FP2050 by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right. Developers/landowners should ensure that public use of the PROW takes precedence over private/development vehicular traffic. The applicant must be advised that he will be liable for any damage to the surface arising from his exercise of private access rights. Any repairs or alterations must only be undertaken following agreement of the specification by the Rights of Way Team. Safe & convenient public access is to be available at all times across the full width of FP2050 and the route is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals. During construction works the Footpath cannot be obstructed or closed without a legal closure order from West Sussex County Council. If necessary developers may consider applying to WSCC to close the path temporarily and this would be at a cost to themselves. The granting of planning permission does not authorise obstruction of, interference to, or moving of any public right of way; this can only be done with the prior consent of the West Sussex County Councils Rights of Way Group. Any alteration to or replacement of the existing boundary with the Public Footpath 2050 or erection of new fence lines must be done in consultation with West Sussex County Councils Rights of Way Group. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of WSCC.*

**West Sussex County Council Highway Authority:** *West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application AWDM/1263/16 for seven dwellings to which no objections were raised. Shopsdam Road is privately maintained and footpath no. 2050 runs through it. The applicant should note the following with regard to the PROW (Public Right of Way): It is conceivable that the PROW will be affected by an increase in vehicular traffic either before or after the development is completed. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from his exercise of private access rights. The plans do not show any vehicular access or parking proposed for the new dwelling. The Design and Access Statement makes reference to "The proposed development includes an integral parking space for each dwelling together with a cycle storage area within the ground floor of the building". However only one dwelling is proposed and it reads as if referring to a previous application. Please clarify whether any parking is proposed for the single dwelling and if so demonstrate this on a parking layout plan. Please ask the applicant for this further information and re-consult.*

*2<sup>nd</sup> consultation: Thank you for your email and clarification the new dwelling would have no car parking provision. It should be noted site is accessed via private road and that parking restrictions in the form of double yellow lines in the vicinity on Brighton*

*Road would prevent any parking associated with the development from occurring in locations detrimental to highway safety (on the maintainable highway network).*

**Adur & Worthing Councils Engineers:** *Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 3 but appears to be unaffected by surface water flooding, and has no history of flooding. The building will increase flood risk elsewhere as it physically takes up space, but the affect is so minimal as to be insignificant. There are bedrooms proposed for the ground floor but the indicative floor level is set above EA recommendations, so this again presents minimal risk. The site is effectively on the beach so surface water should be discharged directly into the ground. No other comments on this application.*

**Adur & Worthing Councils Planning Policy:** *As you are aware, no sequential test has been undertaken for the proposal although the NPPF and NPPG both indicate that one should be undertaken for any site that has not been allocated in a development plan . However, given that the scheme is only for 8 new dwellings and given Adur's inability to meet its full Objectively Assessed Need for Housing, it is my view that there would be very little merit in undertaking a detailed sequential test. If Adur could potentially meet all of its housing needs within Flood Zones 1 and 2, there may be some value to the test but this is not the case. It might be more useful for the applicant to add something to the planning statement stating something similar to what I have said above to show that they have considered the issue with some explanation about why it would have little practical use.*

### **Representations (summarised)**

Objection from Lancing Parish Council: *If permitted, precedent for other buildings in gardens and completely changing appearance of Lancing Beach, contravening ALP policy AH2. Application neglects to explain how property will be accessed and no parking arrangements given, therefore does not cater to parking and access needs required; insufficient access for emergency services and potential visitors. NPPF 39 should be considered. Building's appearance, character, and scale not in keeping with local environment. Additionally, size and location of development will result in unacceptable loss of privacy and light to residents contravening ALP policies AH2 and AH5. Does not display The Overstrand, three properties along Shopsdam Road, opposite Lancing Sailing Club and therefore does not indicate impact on these. Andrew Nicholson of Shopsdam Road, speaking on behalf of the other residents present at the meeting expressed great concern. In addition to reasons stated above, residents of The Overstrand expressed their concerns about developer, having ongoing issues regarding quality of their own homes built by the same developer. Acknowledged ALP policies AB12 and AT12 are no longer relevant. However, these are pertinent, as the proposal contravenes these policies, and still justified to this objection.*

Objections from occupiers of 7, 8, 9, 10 Shopsdam Road, 58 & 60 Brighton Road, Flats 1, 2, 3, 4 & 5 Pebbleview 62 Brighton Road:

**Design & townscape character** Need housing but not at any expense; greedy, opportunistic and excessive in the extreme. Extremely misleading stating “would not create any adverse impacts”. Imagine row of houses on beachfront all the way to Beach Green. Nothing, but an exercise in garden grabbing. My own garden would be next to this. It sits between the Widewater (a conservation area) and beach with picturesque beach huts. A building right on the pathway will diminish striking views of the beach and completely destroy character and beauty of this Lancing coastline pathway, a special quiet beauty spot. Whole area overdeveloped. A major development should be subject to stringent planning regulations. Gravest concern is precedent. Potentially opens floodgates enabling house to be built with no apparent road access and on green land at the bottom of garden adjacent to the beach. Lancing Beach Green seen huge increase in visitors with The Perch and activities and visitors take traditional strolls along path to enjoy coastal views and wide open spaces. Will not enhance Lancing and its allure; detrimental to attraction of Lancing regardless of design and eco-build. This is not brownfield land. Not a house that addresses local housing need. To be built from profits of building 8 executive style homes. Surprise at scale and type especially given actions to prevent Overstrand being built and concerns raised on Facebook. Large size, unsympathetic design and use of materials unduly dominate and conspicuous form of development out of keeping in scale and appearance with surrounding built environment and detrimental to character of locality. Removes only green on Shopsdam Road. Fails to comply with policies AG1, AH7 and AH2 of Adur District Local Plan and Policy BE1 of South East Plan. Also contrary to the National Planning Policy Framework which states poor design that fails to improve character and quality of an area and way it functions should be resisted. Having regard to size and shape of site and its relationship to neighbouring houses, would constitute excessive overdevelopment of contrived layout and design. Development is purely designed to maximize returns to Developers and out of keeping with residential and environmental character of locality. Height, scale and massing of buildings not appropriately designed. As building occupy almost full extent of plot, they appear wedged into this small site and have to rely on borrowed neighbouring land to achieve some impression of space around structure. Lacks architectural merit and materials proposed lack detailing. Would be readily visible across coastline and seafront – where it would appear as isolated, discordant and incongruous feature in local environment, entirely out of keeping with character of our coastline and of no architectural merit. Mass and scale will alter area significantly. Much smaller and bears little relationship to the larger footprint residential buildings on the street. Feel myself calling out to you ‘save character and beauty of this charming area’, the wildlife nearby and local residents will be forever grateful. Please do not pass this large ‘blot’ on our coastline.

**Highway Access and parking** Provides for insufficient parking as 3 bed home next to footpath in one’s garden with no direct car or emergency vehicle access seems foolhardy at very least and total disregard for current residents! Delivery vehicles, visitors, emergency services ... where will they go!? Concerned it could be a matter of time for cars to use very popular public footpath to get access to this property. Know planning laws relaxed in last few years but thought one had to have vehicular access and parking to even contemplate building. Making educated guess this property will be

*using parking area associated with 7 home development. Next to busy boat yard so wide open to accidents. Shopsdam Road is charming and delightful very narrow single track unmade, unadopted road providing a vital link to seafront and beach, serving as public right of way on foot and a bridleway. Used by 6 homes, sailing club, school classes, equestrian establishments, dog walkers, and beach visitors. Coastline congested especially in summer months. To suggest will not have impact on road hard to believe; an accident waiting to happen. Shopsdam Road already has major access problem; too narrow to carry any increase in traffic. Frequently blocked by existing habitants thoughtless parking, delivery drivers or sailing club users unloading boats with trailers attached, forcing awkward reversing back onto extremely busy A259 especially at rush hour. Business parking at mouth of road adds to danger. Compounded on refuse collection days; if further houses this issue exacerbated. Quote Mrs Francis Smith from Lancing Regeneration website after building of just one property in Shopsdam Road, "it is now mud bath. It is busy public footpath now totally unusable"!! Concerned regarding disruption during construction period and would be grateful for condition for developer/contractor not to block Shopsdam Road with building materials or vehicles and for all contractor's equipment and vehicles to be stored or parked either on site or elsewhere. Driving out of Pebble view forecourt takes care and attention.*

**Flood Risk** *Lived at Pebble view since 1996 and witnessed gardens heavily flooded on a regular basis. Plans from Environment Agency outline area behind south boundary wall of Pebble view at flood risk. Concerned of increased flood risk to our property as if property built, water could be redirected to our property which sits at a lower level. Add risk of sewage flooding. Precedent to build more properties at flood risk.*

**Residential Amenity** *3 bed property on stilts complete with upper ridge level! Neighbouring residents on both Shopsdam Road and Brighton Road subject to loss of amenity. Will overlook our windows, balcony terraces and back gardens resulting in loss of privacy. Huge amount of glass impacting on privacy, particularly bedrooms and living rooms, a complaint upheld by yourselves made by applicant, Mrs Smith. Appreciate no house guaranteed view however we purchased our coastal house on basis we had sea views. One can look down the coast from sailing club and see beach huts, sea, gardens and beach green. Would extinguish any view we have of the sea; residents of Pebble View need to rename their property Concrete View. Unable to find height of development stated in absolute terms and assess impact on neighbouring properties. Will tower over existing buildings and create concrete and glass corridor. Will cast significant shade and cause huge shadow from southerly aspect given footprint, scale and proximity to other houses. Poor standard of accommodation with low quality design, small units and small rooms (not even complying with Building Regulations!). No amenity for future residents, cramped together on small site with no meaningful outside space. Design suffers from squeezing as many small units into as tight a space as possible. Increased noise from car traffic and from balconies. Lower ground floor flat is being boxed in by buildings. Once peaceful it has been like living on a building site.*

**Other matters** *Scant regard for community or neighbours. Know private deals made between residents and developers and some may not wish to comment. No opposition from either Sailing Club or Boat House residents as promised to provide them with additional land in exchange for land and allowing development to pass smoothly. Applicant herself, Mrs Frances Smith, tirelessly objected, battled, and protested against sailing club/houses on Shopsdam Road, so a surprise. Smacks of hypocrisy. Ownership certificate and site boundaries incomplete/misleading. Developers make false representation they own land that belongs to sailing club but final decision subject to vote at general meeting. Hearsay but disturbing. This part of the application misleading and should be invalid. Plans do not accurately show land and dimensions; insufficient information as to how new building relates to existing buildings; use views that do not exist and misleading; deliberately shrunk to imply amenity space that will disappear completely; inconsistent and missing scales used means key distances and heights can only be estimated; development far closer to boundaries and road than indicated. Gives impression development is smaller and less imposing. Discrepancy between drawings and design and access statement; unclear and undisclosed at what distance to beach-path new house would be built. Having two applications very confusing; would like Council to consider both applications jointly as Major Development and restart consultation process with neighbours. Draw attention to refusal on east side of Shopsdam Road. Only been in our new build for 6 months and a surprise, Buildwise have at no time inferred development would be proposed, even though we are and always have been in constant contact with them to address our outstanding snagging and defects issues. The new build we occupy is the result of a larger development proposal which Council scaled down.*

Petition of objection (10 signatures) from Lancing Sailing Club: *Will greatly hinder running of sailing club, an RYA Champion Club committed to youth sailing and race coaching which has been part of our community in excess of 50 years. Would increase amount of traffic significantly, but Shopsdam Road is too narrow. Manoeuvring a car along the road is difficult enough when cars are parked there and much more difficult if a boat trailer is attached. Shopsdam Road is one of few beach access points, and access for emergency services crucial.*

## **Relevant Planning Policies and Guidance**

The National Planning Policy Framework

Adur Local Plan 1996 (saved) policies: AG1, AH2, AH3, AH5, AH6, AP4

Adur Local Plan 2016 (submission) policies: 1, 2, 3, 15, 19, 21, 22, 23, 29, 37

## **Planning Assessment**

### ***Principle***

The National Planning Policy Framework (NPPF) is afforded considerable weight in decision-making due to the age of the current Local Plan while the emerging policies have yet to be adopted.

Previous appeals on development in Shopsdam Road are also of significant weight.

Government instruction to Local Planning Authorities (LPAs) is to make efficient use of land. The site is in the defined Built up Area Boundary where the principle of development is acceptable.

There is unmet housing need and demand in Adur. The proposal would contribute a family home to housing choice in the district, albeit that contribution would be a very modest one.

The site is sustainably located (as much as any other within the built-up area) but unlike 'brownfield' land, garden land such as is involved here, is not identified as a priority for residential development. The NPPF states LPAs should resist inappropriate development of residential gardens where poor design causes harm to an area and fails to improve its character and quality (paragraphs 53 and 64).

Saved Local Plan Policy AH2, which is in conformity with the NPPF, reflects this. It sets out that new residential infilling in the built up area is only acceptable subject to satisfying a set of design criteria. This is detailed out in the Council's adopted Development Control Standard No. 2 SPG *Space around new dwellings and Flats* and Good Practice Guidance Note *Internal Space Standards for New Homes*.

### ***Townscape character and appearance and visual amenity***

In approving the Overstrand scheme, the appeal Inspector did not raise objection to contemporary design for Shopsdam Road. He judged the architectural style of those four buildings related well to the sailing club building. There is nothing to suggest a contrary approach to architectural style should be taken in regard to the current proposal.

The promenade and beach at Lancing is an amenity asset, popular with the local community. It has its own character, and it is important that new development enhances this (in support of the wider regeneration aspirations of Lancing).

Paragraph 64 of the NPPF states permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area. Adur Policy AH2 requires the appearance, character and scale of a building to be in keeping, including particular attention to height, density and layout.

The scale of the new dwelling would be fairly comparable to 10 The Beach House. However, unlike The Beach House the new dwelling would sit apart from the line of development on the west side of Shopsdam Road, with the boat yard between. Consequentially, the new dwelling would have a looser relationship with the cluster of buildings along Shopsdam Road and a greater prominence than 10 The Beach House - so it is not necessary correct that its scale should match.

Back-land residential development is not characteristic of the local pattern of



development. The new frontage development along Shopsdam Road has enhanced this street's particularly well defined building line. Frontage development along Brighton Road is equally made up of a fairly regimented line of dwellings fronting the street, with lengthy rear gardens. The position of the new dwelling would be markedly at odds with these prevailing street characters. Its physical closeness to the promenade would give it an undue assertiveness where it would be most readily visible in the public domain – when walking along the seafront heading west. Frontage development along this stretch of the promenade is entirely absent; there is a strong sense of openness and spaciousness due to the underdeveloped long rear gardens of the properties that front Brighton Road. As it would occupy almost the full extent of the narrow plot width, the new building would appear uncomfortably wedged into this site and out of scale. There would be a consequential loss of open and spacious character.

The contrived orientation and deep siting of this back-land dwelling well away from the street frontage, together with its excessive scale and elevated two-storey massing, would represent an isolated anomalous form, discordant and incongruous to adjacent buildings. It would result in an uncomfortable and awkward relationship to the existing form and layout of development in the local area.

Given the long gardens of neighbouring plots westwards, there is a real risk of a precedent for further plot subdivision for similar schemes along the promenade. This would be harmful as it would diminish its open and spacious character by incremental enclosure of its valued vistas.

It is concluded the development would not satisfy the criteria of Policy AH2(a) in that its appearance, character and scale would not be in keeping with the existing local environment. It would also be contrary to similar advice in the NPPF.

### ***Flood risk and drainage***

The site lies in tidal Flood Risk Zone 3, at a high probability of flooding.

A less than robust flood risk Sequential and Exception test has been submitted in this application. The responsibility for determining if the Sequential Test has been met lies with the LPA. As the Council's planning policy officer notes Adur is unable to meet its housing need on sites at lower flood risk.

At appeal the Inspector judged the Overstrand scheme had passed the Exception test set out in national planning policy, partly as the Environment Agency raised no objection to the development on flood risk grounds (having been provided with a satisfactory Flood Risk Assessment).

His judgement was drawn from a 4 no. dwelling scheme, whereas the current proposal is for a single dwelling (and therefore less human health is to be put at risk).

However, the Environment Agency has objected this time. This is because the submitted Flood Risk Assessment is inadequate to demonstrate the mitigation

measures which would deal with a tidal flood event (i.e. that the development is safe for its lifetime). The new dwelling would be at risk from overtopping of the sea defence embankment. Information is required on how the front of the property will be protected from any risks and wind-blow debris, such as shingle.

Without this, the Exception Test cannot be passed.

Separately, the Council's Engineers has noted there appears capacity on site to the control of surface water runoff - with its implications on flood risk.

The planning agent is alert to all this, but has confirmed the applicant does not wish to commit to the additional expense required to prove the development is safe.

This is reason enough to substantiate a refusal on flood risk since solutions would go to the heart of the design concept (and merit) of the new dwelling – so cannot be mitigated by way of condition. The proposal is therefore contrary to national planning policy advice set out in the NPPF by failing to pass the Exception Test.

### ***Residential Amenity – future occupiers***

Saved Policy AH2 requires new developments to incorporate adequate standards of residential amenity in terms of open amenity space, daylight/sunlight, outlook and privacy.

Future occupiers would benefit from accommodation that would exceed the Council's adopted indoor living standards set out in its relevant SPG and Good Practice Guide, as well as offering a pleasant outlook to sea.

The drawings do not show the final position of the garden boundary for the new dwelling. However the drawing does demonstrate sufficient space to allow for truncation of the plot to provide a garden that would be close to satisfying the Council's adopted standard. Lapses in garden sizes have been accepted in the new development along Shopsdam Road.

### ***Residential Amenity – neighbours***

Saved Policy AH2 requires new developments not have an unneighbourly effect on existing dwellings by reason of unacceptable loss of privacy, light, outlook.

The neighbours most impacted upon are those to the west, east and north (the development is physically removed from the remainder).

#### ***Neighbour to west (60 Brighton Road)***

Windows and the outside staircase of the new dwelling would face west, and overlook this neighbour's garden. The new dwelling would cast a shadow across the garden. However, the neighbour's garden is some 75 metres in length. Only the far southern

end of it would be affected, with adverse impact onto the habitable rooms of this property avoided. The affected garden is next to the promenade so already lacks privacy.

*Neighbours to north (Flats 1-5 62 'Pebble View' Brighton Road)*

The distance between the new dwelling and the 'Pebble View' flats is some 23 metres, negating potential adverse overshadowing and overbearing and intrusive overlooking into the private rooms of Pebble View (plus there is already an element of mutual overlooking).

*Neighbours to east (The 'Old Lifeboat House', 'The Boat House', The Overstrand scheme (7, 8, 9 Shopsdam Road), 10 The Beach House)*

The occupier of The Old Lifeboat House is the applicant, so has self-inflicted any consequential disadvantage to their own living conditions.

'The Boat House', 7-9 Shopsdam Road, and 10 The Beach House, are all built with rear terraces facing west that serve their principal living space. All these buildings have a favourable open outlook toward the beach.

Clear glazing in the new dwelling serving as the principal light source to a bedroom would face east. Additionally, the elevated entrance door to the new dwelling would allow for views onto the rears of these neighbouring buildings. This arrangement would give rise to loss of privacy due to the overlooking that would occur onto the rear terraces and living space of 'The Boat House', 7-9 Shopsdam Road, and 10 The Beach House.

The position of the new dwelling in relation to 'The Boat House' would be sufficiently distant to negate potential adverse overbearing and overshadowing. However 7-9 Shopsdam Road and 10 The Beach House would both experience substantial reduction in their outlook and aspect. Currently both benefit from open views westward offering favourable outlook and aspect, which would be substantially curtailed due to the position of the face-on flank of the new building at its elevated height and mass.

For these reasons, the proposal would give rise to unacceptable harm to the living conditions of the occupiers of 'The Boat House' 7-9 Shopsdam Road and 10 The Beach House by way of adverse overbearing and overshadowing and unacceptable overlooking and loss of privacy. Accordingly, the proposal is contrary to saved Adur Local Plan AH2 and allied Supplementary Planning Guidance.

***Parking and accessibility***

Shopsdam Road is unmade and lacks footways. Although narrow in parts, cars can pass for much of its length. It is straight, so there is visibility through its more restricted areas including the point of access onto Brighton Road. The street is a cul-de-sac.

Parking and accessibility are issues repeatedly raised by objectors in recent planning proposals in Shopsdam Street.

Yet in allowing the Overstand development at appeal, the Inspector did not support such assertions. He concluded: *"In comparison with the volume of traffic created by the Sailing Club, the additional traffic which would result from this development would be small"* (para 9).

This conclusion was drawn from a proposal involving the likely number of vehicular trips inherent of a 4 no. dwelling scheme. It is therefore difficult to argue how a similar conclusion could not be drawn on the traffic impacts arising from a single dwelling - even if this does not benefit from its own allocated parking.

Subject to conditions, the Highway Authority raises no anticipated highway safety or capacity concerns. This includes all matters related to visibility/ emergency access/ bin collection/ sailing club operations. Equally, the West Sussex County Council Rights of Way officer raises no objection.

## **Recommendation**

**REFUSE** for the following reasons:-

- 1) The constraints of this site are such that in terms of its irregular size, shape and relationship to neighbouring dwellings the proposed dwellinghouse building by reason of its scale, orientation, and siting on the site, would represent an unduly assertively anomalous and obtrusively awkward form which would be out of scale to adjacent buildings and at odds with the prevalent street pattern, its character, and sense of place as well. It would fail to improve the quality of the area. The development is therefore contrary to paragraphs 56 and 64 of the National Planning Policy Framework and Saved Adur Local Plan Policy AH2 with allied Supplementary Planning Guidance Development Control Standard No. 2
- 2) The proposal has failed to pass the Exception Test set out in the National Planning Policy Framework as it has not been adequately informed by a site-specific Flood Risk Assessment that the development would be appropriately flood resilient and resistant and that any residual risk can be safely managed, including by emergency planning, and it gives priority to the use of sustainable drainage systems. Accordingly, it would be contrary to Saved Adur Local Plan AP4 and paragraphs 100 to 103 of the National Planning Policy Framework in that the proposal has failed to pass the Exception Test as it is not adequately informed by a site-specific flood risk assessment demonstrating that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

- 3) The new dwellinghouse building would, by reason of its size, orientation of its fenestration, and proximity to the rear gardens of neighbouring properties to the east, adversely overbear and overshadow and result in intrusive loss of privacy and overlooking resulting in harm to the living conditions of neighbouring residential occupiers. As such the proposal is in conflict with saved policies of the Adur District Local Plan (AH2) with allied Supplementary Planning Guidance Development Control Standard No. 2 and the Core Planning Principle of the National Planning Policy Framework related to safeguarding residential amenities

6<sup>th</sup> February 2017

Application Number: AWDM/1632/16

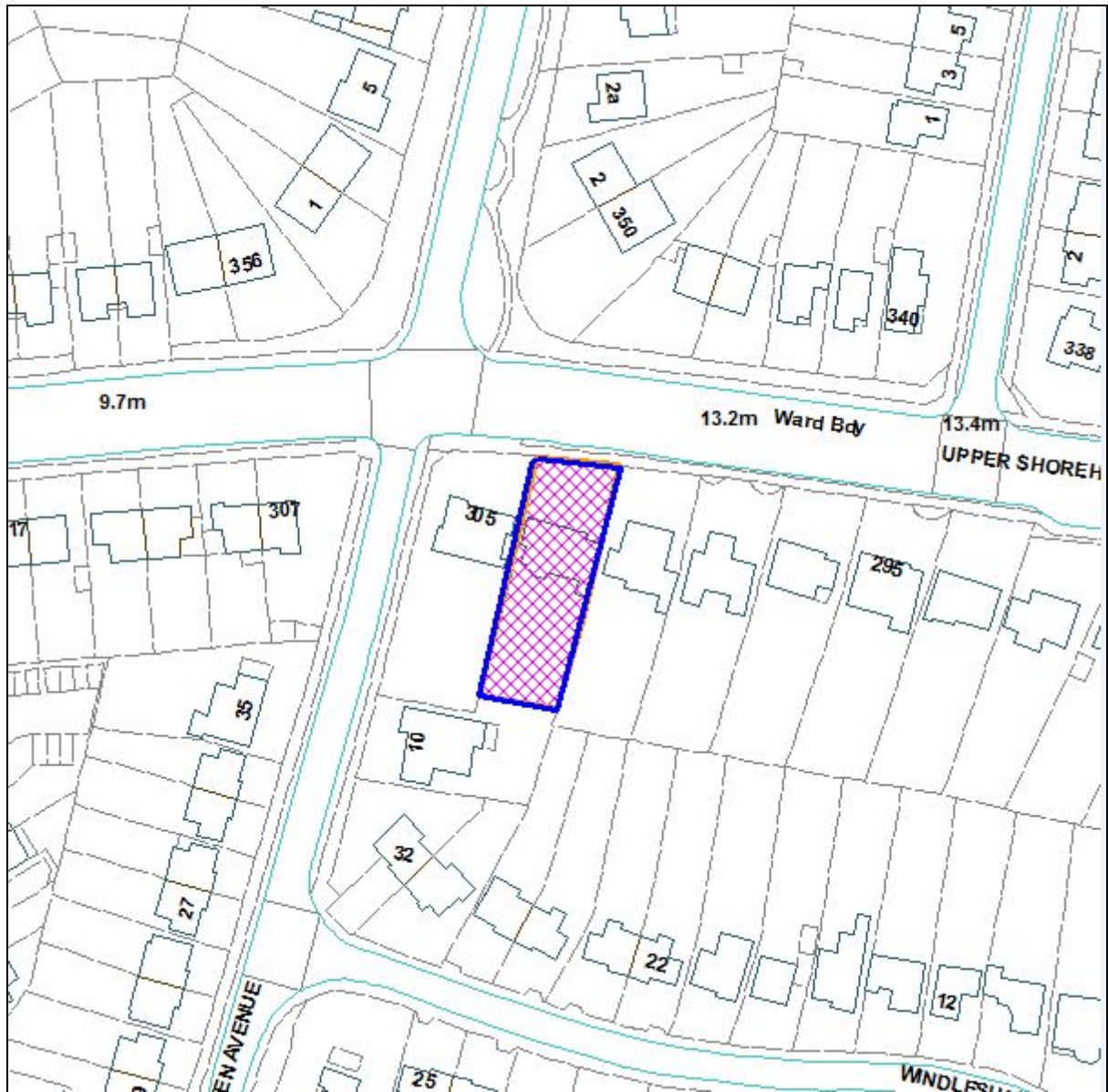
Recommendation – APPROVE

Site: 303 Upper Shoreham, Shoreham-By-Sea, West Sussex

Proposal: First floor front extension over existing garage to north elevation and single storey side extension to west elevation.

Applicant: Mr and Mrs K Boram  
Case Officer: Hannah Barker

Ward: St Nicolas



Not to Scale

## **Proposal, Site and Surroundings**

The application site is a substantial two-storey detached dwelling on the southern side of Upper Shoreham Road. The street and surrounding area comprises of mainly detached dwellings of similar scale with varying original design features many of which have been extended and altered over time.

The dwelling is set back from the highway with a front driveway with some soft landscaping. The main, original features of the building are the ground and first floor, curved bay windows. There is a single garage attached to the side with a later addition of a first floor extension above. There are no specific planning records for this first floor addition, although there is reference to an addition to garage in 1960, (SU/273/60.) The existing extension does not represent an overly sympathetic form of development. Yet its set-back combined with the modest roof form allow for the addition to appear subservient to the main dwelling. The roof form of the original dwelling with 'sprocketed' eaves and front bays still remain the dominant building form.

Consent is sought for a first floor addition above the existing garage forward of the existing first floor side addition. It is proposed to create an en-suite forward of the existing first floor bedroom. The original submission showed a flat roof extension 2.6 metres deep, 2.9 metres wide and 5.4 metres high. The extension would be flush with the front of the existing garage with the sloping hipped roof of the latter removed.

A small, ground floor, lean to extension also exists on the western side of the building behind a parapet wall. This currently is linked to the existing kitchen with side windows and a door facing onto the side boundary. There is also, set back behind this a boiler room and outside cupboard attached to the side of the building.

Consent is sought to rebuild this side section with a side lean-to roof the same width as existing at the front. The highest part of the lean-to would be the same height as the existing parapet wall, reducing to 2.5 metres adjacent to the boundary. The internal partitions are to be removed to form a dining room with one large window in the side elevation. The existing rear section of the extension is to be widened and remodelled to provide a utility room. It is to go from 1.1 metres to 1.9 metres wide, the utility extension will result in a solid side wall with removal of the existing openings.

The application has been submitted by a Councillor and therefore is brought to the Committee for determination.

**Consultations:** None undertaken.

### **Representations:**

A signed letter has been received from owners of No. 301 Upper Shoreham Road stating that they have no objection to the proposed works including any guttering overhang.

## **Relevant Planning Policies and Guidance**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Saved Local Plan policies (ADC 1996): AG1, AH7  
Appendix 11 'Supplementary Planning Guidance' comprising: Development Control; No.3 'Extensions and Alterations to Dwellings';  
Submission Adur Local Plan 2016: Policy 15  
National Planning Policy Framework (CLG 2012)  
National Planning Practice Guidance

## **Planning Assessment**

### ***Principle***

There is no objection in principle to the alterations and extensions to this dwelling within the built up area of Shoreham-By-Sea. For consideration here is the impact of the proposed development upon the visual and residential amenities of the locality.

### ***Visual amenity***

Policy AH7(b) of the Adur District Local Plan requires extensions to be of a design and materials sympathetic to the original dwelling and the area in general.

Officers considered the flat roof addition on the western side of the dwelling as originally proposed to represent an incongruous form of development forward of the existing extension, being of flat roof design. It would not have related sympathetically to either the existing side extension or the design and form of the main host dwelling. Amended plans were therefore sought and have been received showing a hipped roof added to the proposed extension. At the request of officers 'sprocketed' eaves were also added to link in with the main dwelling design whilst still appearing subordinate. The ridge of the extension is shown on the plans as being the same height as that of the existing extension with lower eaves to match the main dwelling.

The proposed amendments represent an improvement to the originally submitted design although the extension would no longer have the set-back that currently exists. Officers did request a further amendment in the form of a set-back of 0.5 metres to further improve the design which would have allowed some of the sloping roof to remain to the garage and allow the extension to remain a more subservient feature in relation to the main dwelling. The applicants have advised that they would like the



application to be considered as first amended and are not willing to further amend the proposals. Although it is considered that an additional amendment would improve the design and appearance of the proposals still further, in the light of the current extension and the improvements that have been made to the roof design, on balance, it is considered the side first-floor extension as amended is acceptable.

The side extension to the western side of the dwelling although also visible within the street scene is of much more modest scale. The existing parapet wall will be replaced with a sloping wall with tiled roof along the side of the dwelling. When viewed from the street the changes are of no consequence here.

### ***Residential amenity***

The neighbouring dwellings which would be affected in this case are Nos. 301 and 305 Upper Shoreham Road the properties either side of the site. Both are two-storey detached dwellings at a similar scale to the application site.

The first-floor addition to the east will abut the boundary with No. 301. A letter has been received to confirm that the owners of No. 301 agree to guttering and eaves overhanging the boundary if necessary for the purpose of construction. There is a ground floor entrance door at No.301 adjacent to the boundary of the site and two first floor side windows. These appear to be secondary obscurely glazed windows, any overbearing impact or loss of light to these windows is as a result of the proximity of the main dwelling and existing extension. It is not considered that the proposed extension would be to the detriment of the residential amenities of the occupiers of the adjacent dwelling. A condition is attached to ensure that no openings can be created on the side elevation of the extension to protect the amenities of the adjacent residents.

The ground-floor extension and alterations to the western side of the site are adjacent to the boundary with No 305 Upper Shoreham Road. There is a boundary fence which appears to be approximately 1.8 metres high between the properties. At No. 305 there are two single-storey side projections with windows and doors and also a side kitchen window and back door. The existing situation at the application site is that of side windows and doors facing onto this boundary. The proposals will result in the removal of the openings to the rear part of the side elevation and replacement with a solid wall. Despite it being closer it is not considered to have any adverse impact. The side kitchen windows and door at the application site are to be replaced with a dining room window. This room will also be served by a window to the front. In the light of the proposed window replacing existing openings and being no closer to the boundary there would be no greater impact than existing. A condition is also attached to limit the openings to those shown on the approved plans.

## **Recommendation**

### **APPROVE**

#### **Subject to Conditions:-**

01. Standard 3 year time limit
02. External materials to match existing
03. No additional windows or openings to be formed in west or east side walls of the extensions.
04. Approved plans

6<sup>th</sup> February 2017

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

#### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.