



**ADUR DISTRICT  
COUNCIL**

**Planning Committee  
16 October 2017**

**Agenda Item 5  
Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0969/17                      Recommendation – APPROVE**

**Site:                      The Luxor Centre Station Parade South Street Lancing**

**Proposal: Conversion and enlargement (including second- floor roof extension and enlargement of rear tower) to provide 12 no. self-contained flats on rear ground, first, second and third floors including associated elevation alterations, balconies and roof terrace together with rear parking, bin and cycle storage, replacement shopfront and new entrance lobby to flats.**

**2**

**Application Number: AWDM/0857/17                      Recommendation – REFUSE**

**Site:                      78 Greentrees Crescent, Sompting**

**Proposal: Retention of timber built car storage outbuilding in rear garden**

**3**

**Application Number: AWDM/1420/17                      Recommendation – APPROVE**

**Site:                      Ex Graham Wood Structural Limited, Chartwell Road, Lancing Business Park, Lancing**

**Proposal: Application to vary condition 1 of previously approved AWDM/0130/17. Amendments: Raise site level by 0.6m and warehouse building be increased by 0.6m accordingly.**

**4**

**Application Number: AWDM/1375/17**

**Recommendation – APPROVE**

**Site: Land South of Loose Lane, Sompting**

**Proposal: Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land.**

Application Number: AWDM/0969/17

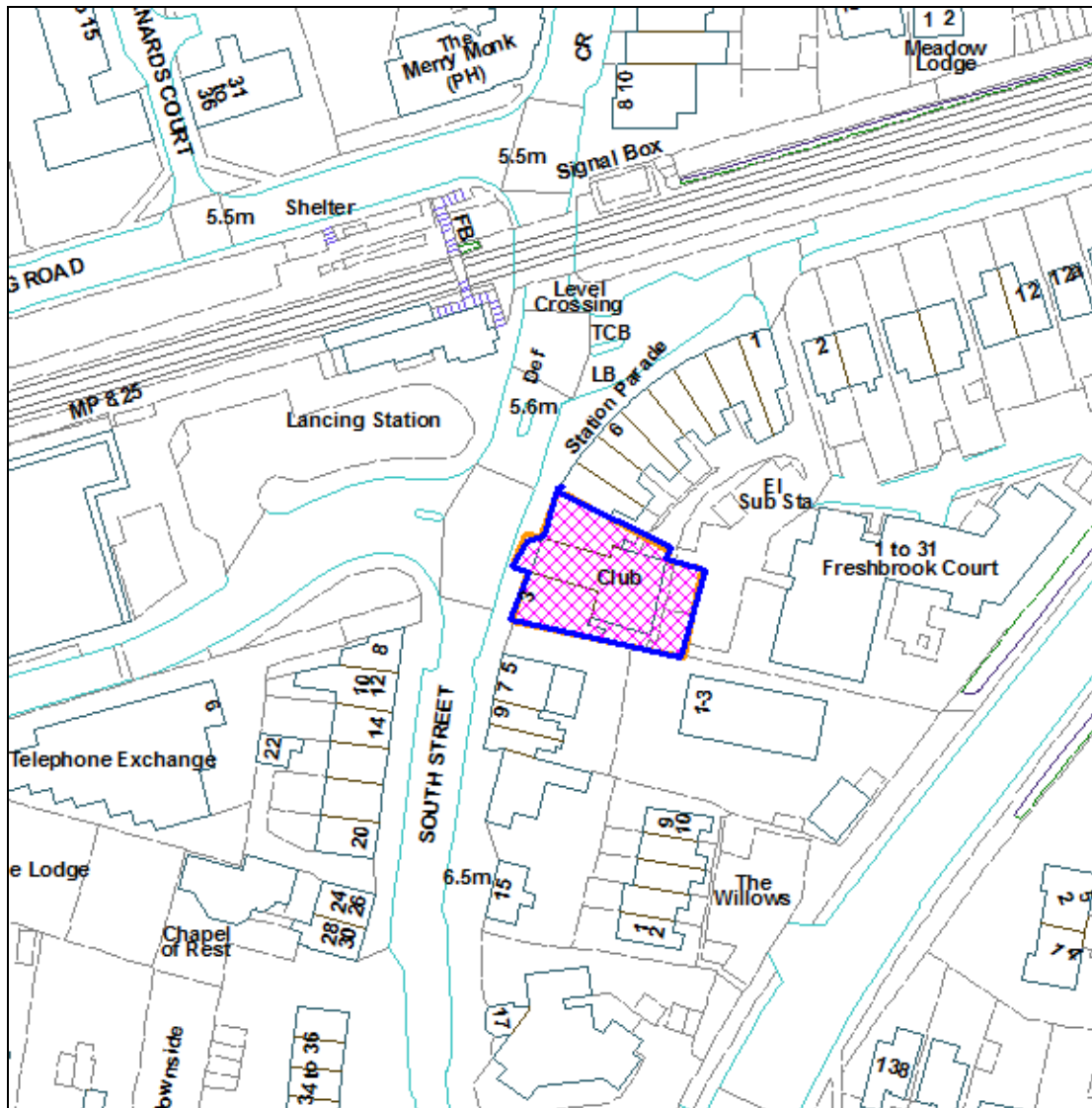
Recommendation – APPROVE

Site: The Luxor Centre Station Parade South Street Lancing

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Applicant: Mr R Blass  
Case Officer: Jo Morin

Ward: Widewater



Not to Scale

## **Site and Surroundings**

The Luxor Centre comprises a former cinema building dating from c.1940 located on the east side of South Street opposite the rail station in the centre of Lancing. The building was used as a bingo hall from the late 1970s and the auditorium at the rear of the building was demolished in the early 1980s to make way for Freshbrook Court. The remaining frontage building has subsequently been used as retail shops and latterly a café on the ground-floor, with the first-floor used variously as offices, and for a period of time as a religious meeting place. The first-floor has been vacant for some 15-20 years whereas the ground-floor has become vacant more recently. The building is something of a local landmark not least owing to its distinctive shape and massing with tower features to the front and rear. Although of local interest it has no formal status as a designated heritage asset. Unfortunately, the building has not been well-maintained in recent years and its appearance is deteriorating.

Adjoining to the north is Station Parade, a 2-storey commercial terrace with shops on the ground-floor, and offices and flats above. To the south is a private drive providing access to 5-7 South Street, an estate agent's office with self-contained residential flats above. The drive also provides pedestrian access to 1-3 South Street, a 2-storey building occupying a 'backland' position used for many years as a garden centre and hardware store. To the east, Freshbrook Court also occupies a 'backland' position, consisting of a 3-storey block of sheltered flats with a car park accessed from Freshbrook Road. The application site includes a small tarmac area to the rear of the Luxor building used for parking. This area is contiguous with the car park serving Freshbrook Court, and is accessed via a right of way over the latter.

## **Proposal**

Permission is sought to convert and enlarge the existing Luxor building to provide 12 no. self-contained residential flats contained within the rear part of the ground-floor and first, second and third floors, whilst retaining a retail shop unit (Class A1) on the front part of the ground-floor. The proposals involve enlarging the rear L-shaped 'tower' by squaring it off and extending it forward (westwards) by between 2.8 and 7 metres, and creating an infill roof extension (6.15 metres wide and 8.2 metres deep) between the front and rear 'towers'. The height of the rear 'tower' would not be altered. The new second-floor element within the infill extension would be only 1.5 metres taller than the existing main flat roof of the building, being partially accommodated within the existing building volume as a result of an alteration to the existing internal floor-to-ceiling height on the first-floor. The proposals also involve the insertion of various new window and French-door openings on the north, south and east elevations of the building and alterations to form 2 no. balcony terraces at first-floor (serving Flats 2 and 5) and 1 balcony terrace each on the second and third floors (serving Flats 8 and 11).

The submitted drawings show the existing white PVCu windows on the first-floor front elevation replaced in grey-coloured powder-coated metal, along with renovation of the

decorative 'statues' atop the brick piers on either side of the central front 'tower' and renovation of the existing LUXOR sign. It is also proposed to create a glazed entrance lobby to the proposed flats from South Street by partially infilling the existing recess on the north side of frontage, with associated alterations to the existing shopfronts to include grey-coloured powder-coated metal framing throughout.

### **Relevant Planning History**

An application for provision of 2 no. self-contained flats to the rear at first-floor level, 1 self-contained flat to rear at second-floor and 1 self-contained maisonette to rear at second-floor and tower level was permitted under ADC/0404/07 but was not implemented.

An application for the addition of a second-floor (with raising of the roof) to create 2 no. two-bedroom second-floor flats was permitted under ADC/0240/07 but was not implemented.

An application for insertion of a second-floor and raising of the main roof to create 4 no. second-floor flats was refused in 2003 (L/76/03/TP refers) for the following reason:-

*"The design and layout of the proposed flats and their relationship to the existing approved scheme of flats on the first-floor below (L/26/02) would give rise to an unacceptably poor standard of accommodation detrimental to the amenities of the locality."*

An application for extension and alteration to create 6 flats adding 2 floors above the main roof was refused (L/35/03/TP refers) for the reason:-

*"The addition of a further storey to this building which is regarded as being of significant architectural merit and local importance would detract from its proportions and change its distinctive shape thereby causing unacceptable harm to the street-scene."*

A subsequent appeal was dismissed.

An application for extension and alteration to create 6 flats adding 2 floors above main roof was refused in 2002 (L/69/02/TP refers) for the reason:-

*"The addition of a further storey to this building, which is regarded as being of significant architectural merit and local importance would detract from its proportions and change its distinctive shape thereby causing unacceptable harm to the street-scene."*

An application for conversion of the first-floor to 4 flats (including glazed balcony) was permitted (L/26/02/TP) but not implemented.

## **Consultations**

### **West Sussex County Council:**

The **Highway Authority** has raised no objection commenting:-

*“This application seeks the conversion and enlargement of The Luxor Centre Station Parade, South Street, Lancing to provide 12 no. self-contained flats over the ground, first, second and third floors.*

*The site is vacant at present but has historically provided a mixture of Café (160 sqm of A3), Retail (176 sqm of A1) and office uses (391 sqm of B1). The proposal will see the ground floor shop and café amalgamated into a single retail unit of 220 sqm. The rear ground floor, 1st, 2nd, and 3rd floors will comprise 12 flats (3 x studio, 8 x 1 bed, 1 x 3 bed).*

#### Trip Generation

*No traffic flow information has been provided with the current application. However from experience of other similar proposals, the Local Highways Authority (LHA) recognises that the existing office, retail and café use would likely generate more vehicle movements compared with the proposed mixed retail/residential development. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.*

#### Parking

*It is proposed to retain the existing 4 car parking spaces provided to the rear of the site which are accessed via Freshbrook Road. It is not clear from the planning documents how these will be allocated. It would be advised this is clarified with the applicant. It would be anticipated that 12 flats of this size in this location would attract the demand for 8 car parking spaces. The retail unit would be anticipated to attract the demand for up to 11 car parking spaces. While this is a shortfall of up to 15 car parking spaces the existing use of the site has to be taken into consideration. Assessing the existing uses of the site against current WSCC standards the LHA would be minded to conclude that the proposed use would result in an overall reduction in the shortfall in car parking provision.*

*An area has been indicated for the parking of cycles on the block plan. This area should be secure and covered. Given this provision seems communal it should be large enough to store at least 6 cycle for the residential use and 4 cycle for the retail use. Such details can be secured via condition.*

#### Sustainability

*The site is extremely sustainably located within Lancing Town centre and is within walking and cycling distance to a wide range of public services and amenities. Residents of the flats would have the opportunity to use rail and bus links to make longer trips, as would customers of the shop.*

## Conclusion

*The Local Highway Authority 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.*

*If the Local Planning Authority are minded to grant planning consent a condition securing cycle parking provision should be included."*

The **Lead Local Flood Authority** notes that the current surface water flood risk is low, there are no records of any ordinary/culverted watercourses within or in close vicinity of the site and there are no records of any historic flooding within the site or within close vicinity to the site. The modelled groundwater flood hazard classification is 'high risk' and this risk and appropriate mitigation should be considered in any future design especially with regard to underground structures and utilities. Where the intention is to dispose of surface water via infiltration/soakaway these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

The following comments are made with regard to the proposed development:-

*"The developable site area is less than 1ha therefore a site specific Flood Risk Assessment (FRA) is not required. No other drainage details or drainage strategy are provided. The Application Form proposes that soakaways and main sewer will be used to dispose of the development's surface water.*

*It is not clear how the surface water is currently drained from the site and exactly how it will be drained in the future*

*In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. Please give reasons if this is not achievable but most brownfield sites are able to achieve significant betterment (usually a minimum 50% reduction in rate from the peak pre-redevelopment rate).*

*Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the Greenfield run-off from the site following the corresponding rainfall event.*

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.”

Summary of Contributions:

|  |                         |           |               |
|--|-------------------------|-----------|---------------|
| <b>Education</b>                           |                         |           |               |
| Locality                                   |                         | Lancing   |               |
| Population Adjustment                      |                         | 2.4       |               |
|  | Primary                 | Secondary | 6th Form      |
| Child Product                              |                         | 0.0120    | 0.0120 0.0065 |
| Total Places Required                      |                         | 0.0840    | 0.0000 0.0000 |
| <b>Library</b>                             |                         |           |               |
| Locality                                   |                         | Lancing   |               |
| Contributions towards Lancing              |                         | £2,300    |               |
| Contributions towards Shoreham / Southwick |                         | £0        |               |
| Population Adjustment                      |                         | 16.7      |               |
| Sqm per population                         |                         | 30        |               |
| Sqm Required                               |                         | 0.50      |               |
| <b>Waste</b>                               |                         |           |               |
| Adjusted Net. Households                   |                         | 12        |               |
| <b>Fire</b>                                |                         |           |               |
| No. Hydrants                               |                         | TBC       |               |
| Population Adjustment                      |                         | 16.7      |               |
| £/head of additional population            |                         | £13       |               |
| <b>TAD- Transport</b>                      |                         |           |               |
| Net Population Increase                    |                         | 16.7      |               |
| Net Parking Spaces                         |                         | 0         |               |
| Net Commercial Floor Space sqm             |                         | 0         |               |
| Total Access (commercial only)             |                         | 0.0000    |               |
| <b>Summary of Contributions</b>            |                         |           |               |
| <b>S106 type</b>                           | <b>Monies Due</b>       |           |               |
| <b>Education - Primary</b>                 | £1,316                  |           |               |
| <b>Education - Secondary</b>               | No contribution         |           |               |
| <b>Education - 6<sup>th</sup> Form</b>     | No contribution         |           |               |
| <b>Libraries</b>                           | £2,300                  |           |               |
| <b>Waste</b>                               | No contribution         |           |               |
| <b>Fire &amp; Rescue</b>                   | £217                    |           |               |
| <b>No. of Hydrants</b>                     | secured under Condition |           |               |
| <b>TAD</b>                                 | £10,020                 |           |               |
| <b>Total Contribution</b>                  | <b>£13,853</b>          |           |               |

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire-fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3<sup>rd</sup> Edition ( Appendix 5)

“The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of



*additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.*

*Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined in the National Planning Policy Framework, 2012.*

*The basis for this advice is contained in the County Council's adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex – Part 1".*

*All TAD (Total Access Demand) contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.*

*The calculations have been derived on the basis of an increase in 12Net dwellings.*

*Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).*

#### *Deed of Planning Obligations*

*a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.*

*b) The deed would provide for payment of the financial contribution upon commencement of the development.*

*c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31<sup>st</sup> March 2017.*

*d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.*

*e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.*

f) *Review of the contribution towards the provision of fire service infrastructure (fire stations) should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.*

*The contributions generated by this proposal shall be spent on additional equipment at Seaside Primary School.*

*The contributions generated by this proposal shall be spent on additional stock at Lancing Library.*

*Fire and Rescue Service Contribution - £217 to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Lancing.*

*The contributions generated by this proposal shall be spent on improvements to cycle and pedestrian links on the A259 linking Lancing to Shoreham.*

*Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.*

*Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.*

*It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.*

*Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).*

#### Breakdown of Contribution Calculation Formulas:

##### 1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or

none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school - 7 year groups (aged 4 to 11)
- Secondary School - 5 year groups (aged 11 to 16)
- Sixth Form School Places - 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing and Social Rented Housing as a nil child product is assumed for these dwellings.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2016/2017, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £15,558 per child
- Secondary Schools- £23,442 per child
- Sixth Form Schools- £25,424 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£4,560** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2016/2017 period.

3. Fire & Rescue Service Infrastructure

The Fire and Rescue Services infrastructure contribution is determined by the population adjustment multiplied by the relevant cost multiplier for the provision of services.

Fire and Rescue Contributions = Adjusted Population x Cost Multiplier

a) Adjusted Population

This is the sum of the occupancy rates for the net dwelling increase with the exclusion of social housing increase.

b) Cost Multiplier- Fire Rescue

There are two cost multipliers for WSCC which relate to the Southern Division and the Northern Division. The cost multiplier is calculated by dividing the total cost of necessary fire and rescue infrastructure within the division by the projected population for 2016. The cost multipliers are as below:

Southern Division (Chichester, Arun, Worthing and Adur): £13 per person

Northern Division (Horsham, Crawley, Mid Sussex): £50 per person in Horsham, £92 per person in Crawley

*Note: The installation costs of fire hydrants are excluded from the above and will continue to be required on developments as a direct cost to the developer as required under the Fire Services Act 2004*

4. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2016/2017 is £1,200 per parking space.

Infrastructure contributions = Car parking spaces x £1,200

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£600).

Sustainable transport contribution = (net car parking – occupancy) x 600

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

**Southern Water:** A plan has been provided showing the approximate position of public foul sewers and public water mains in the vicinity of the site and the approximate position of a public water distribution/trunk main crossing the site to the rear. Southern Water comment that the exact position of the public water main will need to be determined on site by the applicant before the layout of the proposed development is finalised.

Initial investigations have indicated that there is no public surface water sewer in the area to serve this development. Alternative means of draining surface water from the development will be required which should not involve disposal to the foul sewer. A condition is recommended should the application receive approval stating: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Southern Water requires a formal application for any new connection to the public foul sewer to be made. It is requested that an informative to this effect is attached to any planning approval.

Southern Water can provide a water supply to the site and require a formal application to be made for connection and on-site mains. It is requested that an informative to this effect is attached to any planning approval.

**Adur & Worthing Councils:**

The **Environmental Health Officer** initially sought an Air Quality Emissions Mitigation Assessment to be carried out for this major development in accordance with the Air

Quality & Emission Mitigation Guidance for Sussex. Having completed the checklist and following discussion with the Applicant's Agent the EHO has agreed that on the basis that only 3 private parking spaces will be provided with limited associated traffic movements the emissions mitigation is not required in this case.

The provision of a 7kw (minimum rated) EV charge-point should be secured by condition.

The **Waste Services Officer** initially raised concerns about the amount of bin storage which was considered insufficient to serve the development and also queried how bins would be collected in view of the remote location of the bin store at the rear of the building.

Following discussion with the Applicant's Agent there is no objection to the amended refuse storage provision subject to a condition requiring the freeholder of the property to enter into an agreement to arrange for the bins to be moved through the building and left on the pavement ready to be collected on collection day.

The **Contaminated Land Officer** identifies a possible risk of asbestos in the building.

The **Adur Planning Policy Manager** comments that the new Local Plan Affordable Housing Policy should be applied, which although not formally adopted, has been through examination and has been modified by the Inspector to bring it in line with the Government's Written Ministerial Statement (Nov 2014).

The **Housing Strategy and Development Manager** comments that based on a commuted sum at 30% contribution the commuted sum for Affordable Housing is calculated to be:

8 x 1 bed @ £23868 = £190,944  
3 x studio @ £8,928 = £26,784  
1 x 3 bed @ £31,532 = £31,532

Total: £249,260

If you then [apply the Vacant Building Credit] discount at 86.78% [86.9%] that leaves £32,952.18 [32,653.06].

**Lancing Parish Council:** The proposals are welcomed but it is hoped the recommendation will include an element of affordable housing within the development. The District Council is encouraged to share any S106 monies with Lancing Parish Council so that it can be spent in Lancing to benefit the local community.

## **Representations**

1 representation has been received from Gardner and Scardifield Ltd commenting that they have been in discussion with the owner advising of their interest in purchasing

the building to operate on a commercial basis only be quoted very high sales figures which were not realistic. Lancing town centre should be keeping its retail space and redevelop with flats/apartments. For our business to continue to get the support of the local community we need shops and cafes etc. to attract customers to the high street.

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

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising:  
Submission Adur Local Plan (2016): Policies 1, 2, 3, 9, 15, 19, 21, 22, 29  
Development Control Standard No.2 'Space Around New Dwellings and Flats'  
Development Control Standard No.4 'Flat Conversions'  
Good Practice Guidance Note 'Internal Space Standards' (2010)  
Revised West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003 and ADC 2004)  
West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)  
Lancing Village Vision (2012)  
National Planning Policy Framework (CLG 2012)  
Technical Housing Standards (CLG 2015)

### ***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 saved Adur Local Plan policies comprise the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

The emerging Adur Local Plan, the latest iteration of which is the Adur Local Plan as Modified (June 2017), is a material consideration of substantial weight. The Submission Adur Local Plan (June 2016) was submitted to the Secretary of State in October 2016 and Hearings were held in Jan–Feb 2017. Following the receipt of the Inspector’s comments later this Spring the Main Modifications were published for a six week consultation period commencing 15th June 2017. The Adur Local Plan has since been found to be ‘sound’ subject to the Main Modifications and it is expected that it will be reported to Full Council in December for adoption.

The site is located within the designated shopping area of Lancing. Saved policy AS1 states that development involving the loss of existing shopping provision will not be permitted if the proposal is likely to detract from the character and vitality of the area. It is also within the primary frontage of Lancing village (Block 3) where policy 9 of the Adur Submission Local Plan (as modified) states that ground-floor uses other than shops (Class A1), food and drink (Class A3), drinking establishments (Class A4) and appropriate Class D1 uses (non-residential institutions) will be resisted. The proposal would result in the loss of some existing commercial floor space to the rear of the building, but 65% of the ground-floor area (219 sqm) will be retained in retail (Class A1) use. It is considered a viable retail unit would therefore be retained with an active frontage onto South Street. There is no objection in principle to residential development above ground floor within this area. To this effect, saved policy AH2 allows for new residential development by way of infilling or redevelopment within the built-up area subject to it being designed so that its appearance, character and scale creates a pleasant place to live, in-keeping with, and enhancing the existing local environment; it does not have an unneighbourly impact on existing dwellings; it incorporates adequate standards of residential amenity for future occupiers and subject to satisfactory access and parking arrangements being provided.

The site is located within the ‘village heart’ within the Lancing Vision which sets out the future vision and aims for the village and seeks to focus activity in this part of the town in order to create a vibrant and thriving town centre, rich in activity. The Vision identifies that the way a place looks is central to the way it is perceived and experienced: *“There is a feeling among the community that Lancing is tired and run down and that this is putting off visitors. There is also a sense that Lancing lacks any visible indicators of identity and heritage. Uplifting the appearance will make a dramatic difference in Lancing, but doing so in a way that provides an identity and modern cultural heritage will make that step change that sets Lancing apart.”* The Vision urges the appearance of Lancing to be enhanced, but in a coordinated way, with improvements to streets, spaces and buildings.

A scheme to renovate and uplift the ‘tired’ appearance of this key local landmark building can therefore be supported in principle as helping to revitalize the ‘village heart’ and the contribution it can make to creating a modern village identity, provided it is undertaken in a manner that is sensitive to the distinctive character of the building.

### ***Housing Mix***



Policy 21 of the Submission Adur Local Plan states that new residential development (including through conversion) should incorporate a range of dwelling sizes, including family-sized units. The development will provide mostly studio and 1-bedroom flat units, which is considered appropriate in this more central location, although 1 no. 3-bedroom unit is proposed on the ground-floor.

### **Affordable Housing and Viability**

In accordance with the Inspector's recommendation, Policy 22 of the Submission Adur Local Plan as modified seeks the provision of 30% affordable housing on sites of 11 or more dwellings. This approach adheres to Government Policy set out in Ministerial Guidance (brought into legal effect by order of the Court of Appeal in 2016) and is a material consideration in the determination of this application.

Based on the mix of units at 30% affordable housing, this amounts to a commuted sum of £249,260. However, taking into account the Government's policy on Vacant Building Credit, the applicant is liable only for the affordable housing contribution based on the additional floor area (within the proposed extensions) which amounts to 13.1% of the total floor area. Thus, taking into Vacant Building Credit the affordable housing contribution equates to £32,653.06. The applicant has agreed to pay the contribution which can be secured by a S106 Agreement.

West Sussex County Council has confirmed that the following contributions are necessary:

- Education – Primary: £1,316
- Education – Secondary: No contribution
- Education – 6<sup>th</sup> Form: No contribution
- Libraries: £2,300
- Waste: No contribution
- Fire & Rescue: £217
- TAD: £10,020

Total Contribution: **£13,853**

### ***Design and Effect on the Character of the Area***

The existing building is focal point within the street-scene. Its character derives from its distinctive shape and appearance reminiscent of its former use as a cinema. It has no formal heritage status since any historic importance has been substantially undermined by the removal of the former auditorium. Nevertheless it has the role of a well-loved local landmark within a built environment that is generally lacking in character buildings. The 'Lancing Vision' (2012) has given a new impetus to creating a strong identity for the Village and places considerable importance on achieving good quality design. This approach is reinforced by policy 15 within the Submission Local

Plan which states that development should be of a high architectural quality and respect and enhance the character of the area, making a positive contribution to sense of place and local character and distinctiveness and is consistent with Government planning policy set out in the NPPF and the strong importance it attaches to achieving good design. Within this modern policy context officers considered that a re-submission of the previously approved scheme for creation of a second-floor with raising of the roof would not be supportable and have engaged in discussions with the Applicant and his Agent over a period of many months to secure a development scheme that makes an efficient and effective use of this brownfield site and rejuvenates its appearance, at the same time restoring its important architectural features and safeguarding its distinctive character and identity.

The enlarged volume of the rear 'tower' will be visibly apparent from closer views, for example, the rail crossing footbridge, and more distant views further north along North Road and east from the raised section of Grinstead Lane. However, the overall height of this element will not be increased and the distinctive shape and massing of the building will be retained. The rear 'tower' will be articulated by the insertion of new window and French-door openings. Whereas the existing openings in the rear portion of the building have an 'ad hoc' appearance, consisting of a variety of sizes and proportions (as is typical of the rear of a building); the proposed new windows and French-door openings with Juliette balconies would have a more cohesive and regular pattern, which would result in an enhanced appearance. The proposed windows and French-doors will be grey powder-coated metal sub-divided with glazing bars to create the horizontal proportion consistent with a 1930's aesthetic. This, together with the replacement of the existing white PVCu windows in the front elevation, will result in a significant improvement to the appearance of the building in-keeping with its distinctive character. The refurbishment of the LUXOR nameplate on the front 'tower', along with the other architectural features, can be secured as a condition of planning permission. [The submitted drawings show the inclusion of a blue neon sign adding 'Court' to the name. The appropriateness of an illuminated sign here is questionable, but it would in any event require an application for advertisement consent.]

The infill roof extension will be rectangular in shape, its width slightly recessed behind the front 'tower'. It would have a flat roof with slight over-sailing eaves and finished in 'standing seam' metal cladding. The extension would be partially built into the existing building volume, projecting 1.7 metres above the existing flat roof and approximately 1 metre above the existing roof parapet. Part of the existing roof would need to be lowered to provide the roof terrace on south side of this unit (Flat 8). It is unlikely this roof addition would be visible in close views from street-level. It would however be visible in more elevated views from a distance, but owing to its subordinate scale and contrasting external finishes, it would be seen as a modest, contemporary addition, allowing the distinctive massing of the existing building to remain visually dominant.

### ***Residential amenity – for proposed dwellings***

All the flats will be accessed from a new entrance lobby at the front of the building off South Street. There will be a secondary access at the rear of the building to access the bin store, cycle store and 3 parking spaces.

Eight of the proposed flats meet or exceed the minimum floorspace requirements for the relevant number of bedspaces shown as set out in the Government's Technical Housing Standards – Nationally Described Space Standard. Of the 4 proposed dwelling units that don't meet the minimum standard, 3 no. are studio flats with gross internal floor areas varying between 33 to 37 sqm (compared to the Nationally Described Minimum Standard of 39 sqm) and a 1-bedroom flat with a gross internal floor area of 48 sqm (compared to the Nationally Described Minimum Standard of 50 sqm). However, there would be some compensatory effect in that the 1-bedroom flat in question benefits from a private roof terrace (24 sqm) and one of the below-standard studio flats would have a private balcony (9 sqm). Two of the other proposed 1-bedroom flats would also have small private balconies. The 3-bedroom unit on the ground-floor would have a small wedge-shaped garden on the south side of the building wrapping round to the rear (approximately 35 sqm in area).

In all cases the proposed flats are provided with a good standard of natural daylight and habitable rooms of a reasonable size and shape. Bathrooms would be provided in all cases instead of shower-rooms, although most would have no means of natural ventilation. On the whole it is considered the standard of accommodation is satisfactory. Although all of the studio flats sub-standard (some being 6 sqm below the Nationally Described Space Standard), it is worth pointing out that they all meet the minimum standard of 30 sqm for bed-sitting room accommodation as set out in the Council's Development Control Standard No.4 'Flat Conversions'.

The Council's Waste Strategy Manager initially expressed concern about the amount of bin storage provision and servicing arrangements for collection as the refuse vehicle cannot access the rear of the site. An amended plan has been provided which shows an enlarged bin store re-sited closer to the back door to facilitate access through the building to the edge of the pavement on South Street on collection day. An agreement that the freeholder of the building will undertake such an arrangement can be secured as part of the S.106.

### ***Residential amenity – effect on existing dwellings***

The nearest residential properties are Freshbrook Court to the rear (east), and flats above nearby commercial premises in South Street including above Nos: 5-7 South Street and 7 Station Parade.

There is a distance of 20 metres between the back wall of the rear 'tower' and the western elevation of Freshbrook Court. There are a couple of ground-floor window and door openings in the existing Luxor building giving access to the rear parking area, but other than a hole punched into the rear wall some years ago, the remainder of the back wall is blank. It has been rendered and painted white. The submitted drawings show the existing openings blocked-up and a small number of new openings inserted.

On the ground-floor these would serve bedrooms. On the upper floors 3 no. narrow windows are proposed serving the kitchen areas in the studio flats on the first, second and third floors. These are secondary in nature and bearing in mind the separation distance involved would not have an unneighbourly effect on the occupiers of Freshbrook Court in terms of overlooking.

Larger windows with French doors opening onto balconies would be created at first-floor in the east-facing elevations of the recessed 'wings' on either side of the building. However the separation distance to Freshbrook Court would be some 27-29 metres, so although there will be some overlooking it would not have an unneighbourly effect at this distance.

New window and French-door openings (with Juliette balconies) serving various habitable rooms including bedrooms and living rooms will be formed in the north and south side elevations of the rear 'tower' at ground, first, second and third floors. On the south side these will face onto the rear parking area and first-floor windows in the north side 5-7 South Street. However, records show the latter to be secondary in nature serving entrance lobbies and a bathroom. Overlooking of the first-floor rear (east) elevation of 5-7 South Street would be at a minimum distance of 10 metres but will be at an angle of 90° such that the effect is not considered unacceptably intrusive. The enlarged mass of the extended rear 'tower' will be more apparent in views from this direction but as the additional 'bulk' would lie to the north of 5-7 South Street there would be no significant loss of daylight or over-shadowing. For the most part the infill roof extension will sit below the height of the existing parapet roof and will be barely apparent in closer views from the south other than were a gap is formed on the roof terrace (infilled with railings).

The north side of the rear 'tower' faces toward the rear 'arc' of Station Parade (following the bend in the road). Records indicate the nearest residential unit is the first-floor flat above No.7. There is a first-floor window in the rear 'outrigger' of this mid-terraced building. There would be a separation distance of only 10 metres between new larger window and French door openings in the north side of the 'rear' tower and the first-floor rear of No.7. However, bearing in mind the angle of view is not direct and that there are already windows in the north side of the rear 'tower' and an external fire escape which facilitates views toward the rear of Station Parade (notwithstanding the upper floors of the Luxor Building have been vacant for many years), on balance, it is considered the effect of overlooking will not be so intrusive as to result in a significant loss of privacy for the occupiers.

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

The 4 no. parking spaces shown on the submitted plan were identified as being slightly sub-standard in width (i.e. less than 2.4 metres wide) and an amended plan has been received reducing the number of car parking spaces to 3. Based on the WSCC Parking Demand calculator, the development would result in a parking shortfall of up to 16 spaces. However, it is not considered that this would alter the view of the Local Highway Authority in raising no objection, which takes account of the parking

demand generated by the former uses of the building. Although residents would have to compete to park on-street in surrounding roads with shoppers and visitors to the other facilities of the town centre the Local Highway Authority has not raised any objection to the shortfall in parking provision on highway safety grounds.

The site is in a highly sustainable location being opposite the rail station and walking distance of a choice of bus routes along South Street/North Road/Sompting Road, and with excellent access to a wide range of shops and services in Lancing.

The use of sustainable modes of transport is promoted through the provision of secure, covered cycle storage and the installation of a 7Kw EV charge-point adjoining one of the resident parking bays in the car park. The installation and operation of this can be secured by the S.106.

### ***Other issues***

The site is not at risk of flooding and is located within Flood Zone 1, being the lowest category of risk. As the proposal involves the enlargement and conversion of an existing building and it is not intended provide additional areas of hard-standing compared to that existing, it is not anticipated that surface water drainage will differ from the current arrangement. However, precise details will be reserved by condition as recommended by the Lead Local Floor Authority and Southern Water.

The Contaminated Land Officer has identified the potential for asbestos within the existing building. However, the safe removal of this is dealt with by other legislation and it is considered that the addition of an informative advising the applicant of the potential risk would suffice in this case.

The area is under water stress and Policy 19 of the Submission Adur Local Plan is proposing a water efficiency standard to be achieved of 110 litres/person/day (lpd), (which is lower than the current Building Regulations standard of 125 lpd) which can only be applied in areas with specific local needs (such as water stress). A condition requiring this standard to be met for this development is to be imposed.

### **Recommendation**

**APPROVE** Subject to completion of a satisfactory Section 106 Obligation to secure the infrastructure and affordable housing contributions, implement the EV charge-point and to undertake to bring the bins to the edge of the public highway on Collection Day, and:-

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

1. Approved plans
2. Standard time limit
3. Agree and implement materials and external finishes (including windows, doors and shopfront)

4. Agree and implement architectural details (including refurbishment of existing features)
5. Agree and implement new and replacement windows and doors
6. Agree and implement hard and soft landscaping
7. Agree and implement garden walls/fences (Flat 1)
8. Agree and implement refuse store
9. Agree and implement cycle store
10. Provide and retain parking spaces for domestic use of flats
11. Agree foul and surface water drainage in consultation with Southern Water
12. Ground-floor unit limited to retail (Class A1)
13. Agree Construction Management Statement
14. Limit hours of construction
15. No roof plant or other externally sited plant
16. Water Efficiency

Application Number: AWDM/0857/17

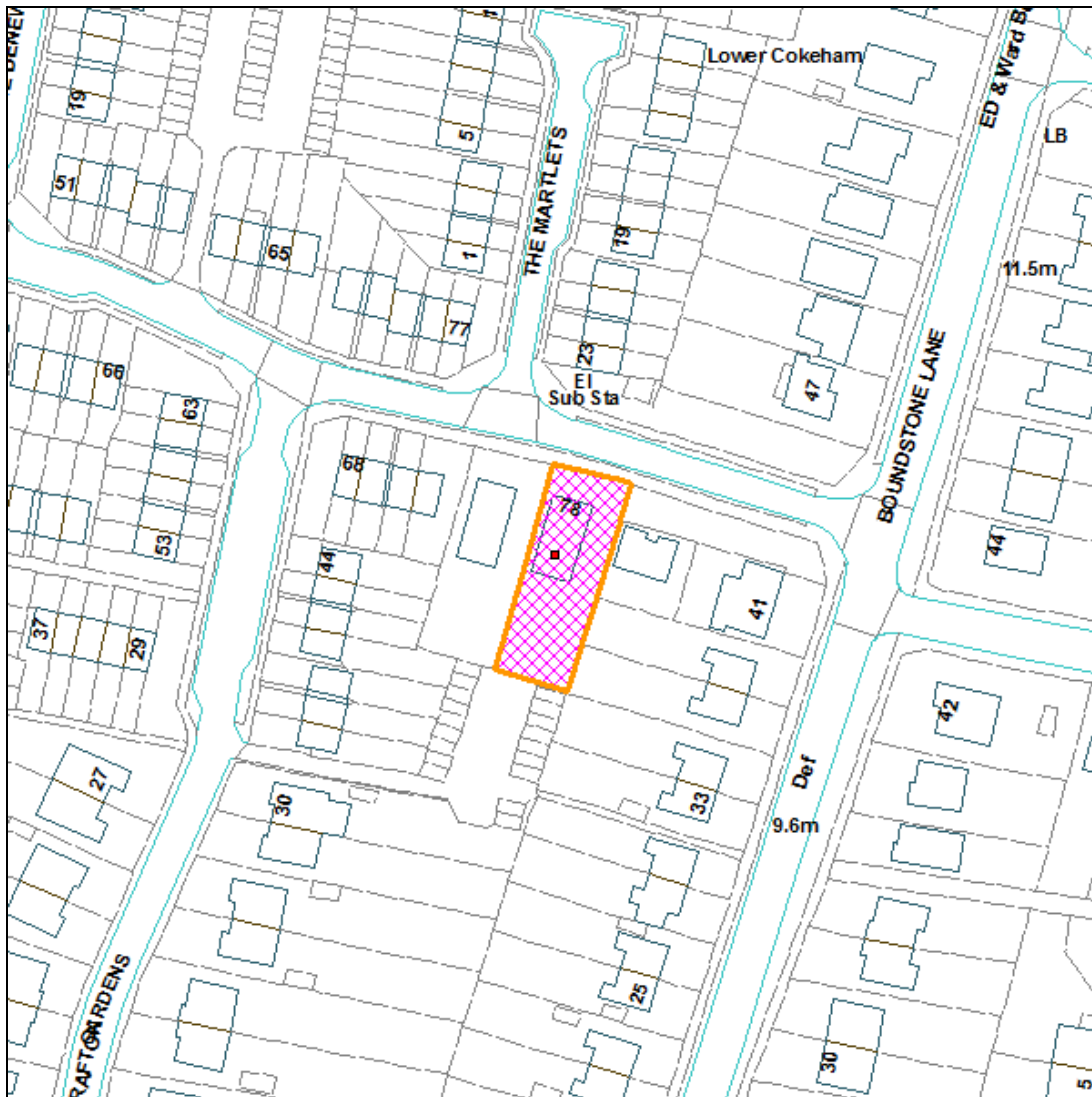
Recommendation – REFUSE

Site: 78 Greentrees Crescent, Sompting

Proposal: Retention of timber built car storage outbuilding in rear garden

Applicant: Mr Alex Leiserach  
Case Gary Peck  
Officer:

Ward: Cokeham



Not to Scale

## **Proposal, Site and Surroundings**

This application seeks retrospective permission for the retention of a timber built outbuilding used for the storage of classic cars in the rear garden of 78 Greentrees Crescent.

The stated dimensions of the building are 3.03 metres in height, 4.61 metres in width and 18 metres in length, 5 metres of which are a roof covering over an external area.

The application site consists of a bungalow on the southern side of Greentrees Crescent. A similar bungalow is to the west and its rear garden runs in parallel with the application site. The subject building is on the eastern side of the garden, almost adjacent to the boundaries of semi-detached house in Boundstone Lane whose rear gardens runs east-west towards the subject building. Numbers 37 & 39 have gardens directly adjacent to the subject building and it appears visible from the neighbouring properties beyond to the north and south.

## **Relevant Planning History**

No relevant planning applications. It is noted, however, that a pre-application enquiry was submitted in 2015 to the Council for a building of similar dimensions, but higher, to that now built and it was advised that planning permission was required.

## **Consultations**

**Sompting Parish Council** – does not object but considers the proposed development to be unneighbourly in the impact it would have upon adjoining properties and the area as a whole. If permission is granted, a condition should be imposed ensuring the garage is for non-business use.

## **Representations**

4 letters of objection from 33, 35, 37 and 39 Boundstone Lane have been received on the following grounds:

- The building is a warehouse size structure built without permission
- The building is being used commercially
- Building could easily be used for commercial purposes in the future
- The structure towers above existing sheds and walls
- Increased noise
- The building is not in keeping with other outbuildings
- Concern about the effect that the foundations will have upon nearby walls
- Unfair to build without permission as no consideration was given to neighbours



## **Relevant Planning Policies and Guidance**

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.3 'Extensions and Alterations to Dwellings'

Adur Submission Local Plan Policy 15

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

## **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.

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**

The roof of the subject building is just visible from the public highway but is set well back behind the bungalow itself and a set of double gates and therefore is not considered to impact upon the visual amenities of the area.

The main issue is the impact upon neighbouring properties therefore. In respect of the immediate neighbour to the west in Greentrees Crescent, who has not objected to the application, it is not considered there is an adverse impact since the building is situated on the eastern side of the garden, well away from the mutual boundary with the neighbour to the west.

It is clear, therefore, that the main impact is to the neighbouring properties to the east. These properties, in Boundstone Lane, site at a right angle to the application site and hence their rear gardens run towards the application site. 2 of the properties, 37 and 39 are directly adjacent to the curtilage of the application site and numbers 33 and 35 are immediately to the south. It is noted that all 4 of the neighbours have objected to the application.

It appears from photographic records that there was some form of outbuildings along this boundary previously but these generally followed the height of similar outbuildings in the area.

The applicant has stated that he constructed the building without planning permission as he considered that it was a modular structure that did not require permission. It is not clear why the applicant did not contact the Council first to ascertain this given he had done so in 2015 regarding a building of similar footprint, but higher, and was advised that planning permission was required. While some 'temporary' buildings can be constructed without permission, a building of 18 metres in length would not normally fall under such category. Moreover, when, during the consideration of the application, your officers investigated whether the building could be relocated within the site, the applicant stated that this was unlikely to be practical and in fact could only realistically be moved by a foot further away from the boundary. This further gives the impression of a permanent structure rather than a temporary building. The building does require planning permission, therefore.

Your officers consider that the building has an adverse impact upon the amenities of neighbouring properties, most particularly number 37. The building runs across the entire width, and indeed beyond, of this properties rear boundary. The mutual boundary has no screening and only a low wall which means the majority of the building is visible above it. Although the applicant has offered to plant on the boundary or on the building itself, there is little apparent room for such planting to be effective. A far more substantial buffer would need to be provided which would involve a relocation of the building further west by some metres. Even if such screening could be achieved, the height of the building contrasts unfavourably with the sheds and flat roofed garages close by (especially to the south) and is considered unacceptable in its own right.

It has been alleged that the building is being used for commercial purposes, but there is no evidence to substantiate this and it appears that the size of the building is in connection with the applicant's personal hobby of classic cars.

Planning law requires consideration of retrospective applications to be undertaken in the same way as proposed developments. Your officers are quite clear that had this been a proposed development, the building would have been recommended for refusal and therefore the conclusion should be no different on this retrospective application irrespective of the potential implications to the applicant. The affected neighbours to the east have been unanimous in their objection and your officers are of the view that the building has an unacceptable impact. Accordingly, it is recommended that the application be refused.

## **Recommendation**

The proposed building by virtue of its length, height and proximity to neighbouring rear gardens adversely affects the amenities of these neighbouring properties. The proposal therefore fails to comply with the guidance as set out in the National Planning Policy Framework and policy 15 of the Submission Adur Local Plan 2015.

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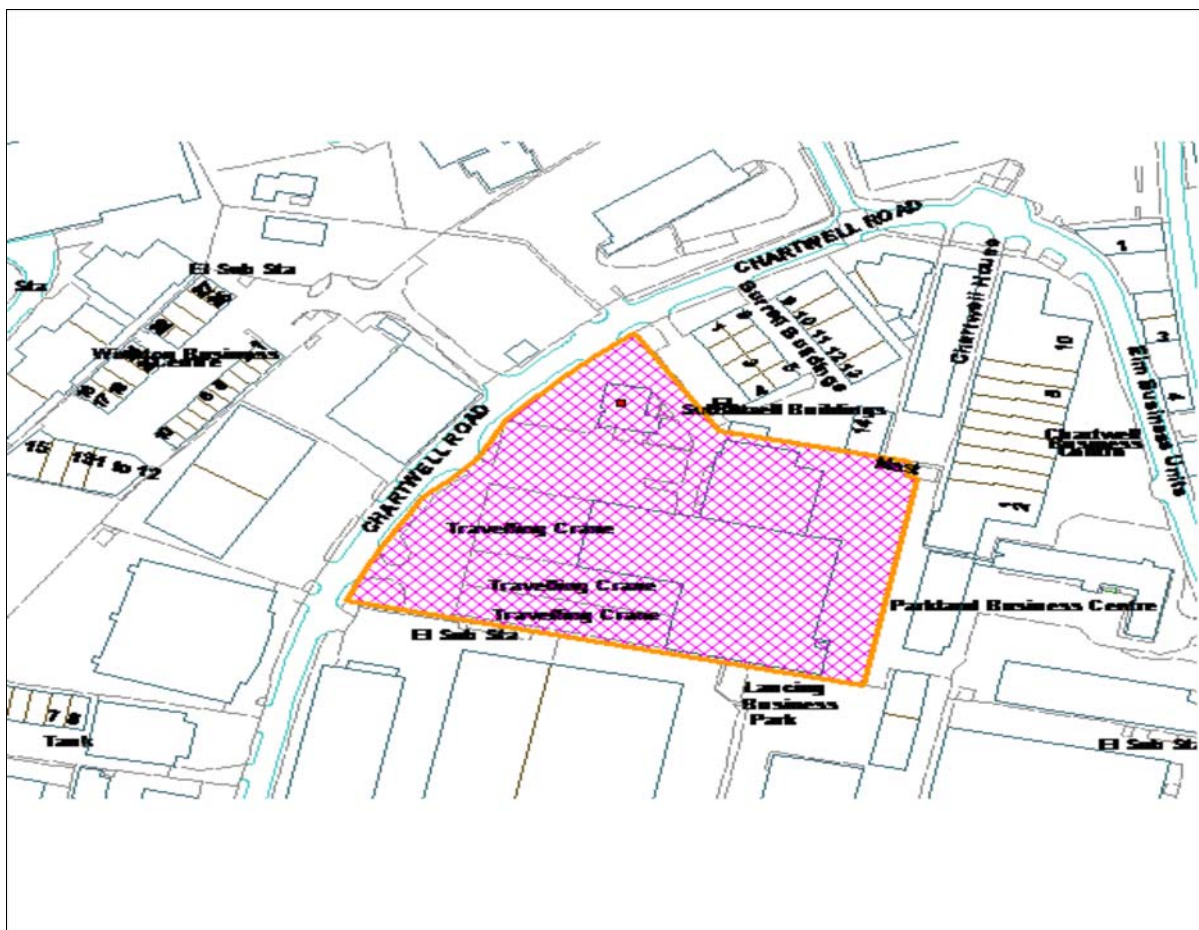
16<sup>th</sup> October 2017

Application Number: AWDM/1420/17      Recommendation – APPROVE

Site:            Ex Graham Wood Structural Limited, Chartwell Road,  
                    Lancing Business Park, Lancing

Proposal:      Application to vary condition 1 of previously approved  
                    AWDM/0130/17. Amendments: Raise site level by 0.6m and  
                    warehouse building be increased by 0.6m accordingly.

Applicant:     Mr R Ranby, BFS Group t/a      Ward:          Churchill  
                    Bidfood  
Case             Gary Peck  
Officer:



Not to Scale

## **Proposal, Site and Surroundings**

This application seeks an amendment to previous permissions granted in 2016 and 2017 for the replacement of an existing industrial unit with a new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road.

A previous alteration to the original consent comprised the modification of the previously approved curved roof to a hybrid straight and curved roof, and a projecting office element incorporated into the main warehouse and configured as 3 storeys within the warehouse. The current proposal seeks to raise site level by 0.6m (to avoid the necessity of material being taken off the site and the raising of the warehouse building by 0.6m accordingly).

As previously, it is understood that the building would be occupied by Bidvest Foodservice who are currently based in Worthing.

The application site is centrally located in Lancing Business Park on the eastern side of Chartwell Road, the main one way route leading through the Business Park. The site consists of the site previously occupied by Graham Wood Steel Fabricators.

The previous buildings on the site equated to about 6800 square metres and also included travelling crane structures. A number of the buildings have now been removed.

As the site is in the centre of the industrial estate, surrounding uses are industrial, generally heavy industry although the surrounding buildings would be lower than proposed under this application.

## **Relevant Planning History**

Planning permission was granted earlier this year for the variation of approved AWDM/1782/15 Condition 6 (approved plans) to modify curved roof to hybrid straight and curved roof; projecting office element to be absorbed into the main warehouse configured as 3 storeys within the warehouse (AWDM/0130/17).

Planning permission was granted in March 2016 to replace existing unit with new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road (AWDM/1782/15).

Planning permission was granted in July 2015 to replace existing unit with new storage and distribution warehouse with ancillary offices (use class B8) in addition to vehicle wash and fuel island and associated lorry and vehicle parking and new access road (AWDM/0621/15).

The Committee also resolved in July 2015 to grant permission for the redevelopment of west part of site with 8 industrial units for use classes B1 (business), B2 (general industrial) and B8 (storage or distribution) with associated parking, turning and access (AWDM/0620/15) subject to the completion of a legal agreement. The legal agreement has not been signed pending the determination of the current application.

## **Consultations**

**Environmental Health:** No adverse comments

**West Sussex County Council:** The variation of the above condition does not create any highway safety or capacity issues and therefore no objection is raised

Any other comments will be reported verbally at the meeting

## **Representations**

Any comments received will be reported verbally at the meeting

## **Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AG3, AE2, AE4, AE5

Adur Submission Plan 2015: Policies 15, 26

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

## **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.

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**

This application effectively seeks a minor amendment to previous permissions for which the principle of development has already been established.

The implementation of the permission has required significant ground works and to some extent it not surprising that there has been a high amount of groundworks that has led to a necessity to either remove the surplus from the site or accommodate it on the site. The ground level will rise by 0.6 metres as a result of the proposal and therefore the building will as well. While this will slightly increase the impact of the development, in the context of the surrounds, an industrial estate with many buildings of different heights and styles, it is not considered that the proposal will materially affect the character of the surrounding area or the amenities of nearby users.

As with the previous applications, it is considered that the over-riding consideration is that the proposal would results in a welcome opportunity to relocate a local company, currently occupying a constrained site in Worthing which needs to expand with the potential to create new jobs. The visual quality of this part of the Business Park should also improve, especially given that the site has been vacant for some time. Accordingly, the application is recommended for approval.

### **Recommendation**

To **GRANT** permission subject to the following condition:

1. Amendment of approved plans list (other conditions remain applicable to the development)

Application Number: AWDM/1375/17

Recommendation – APPROVE

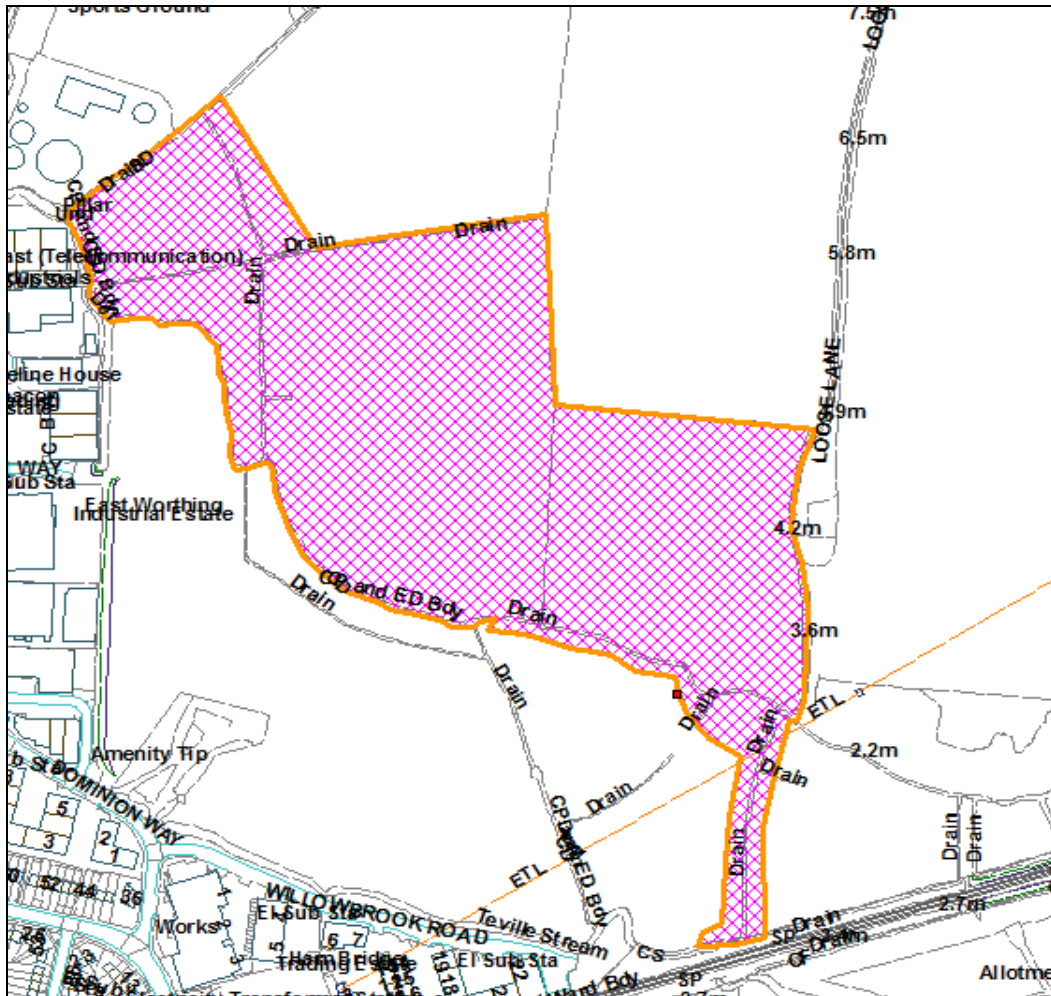
Site: Land South of Loose Lane, Sompting

Proposal: Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land.

Applicant: Ouse and Adur Rivers Trust

Ward: Peverel

Case Officer: Peter Barnett



Not to Scale



## **Proposal, Site and Surroundings**

This Major application (more than 1ha site area) relates to an area of relatively flat, open arable farmland between Worthing and Sompting, to the north and east of the industrial estate on the east side of Worthing. The application affects primarily land within Adur, but with a small section within Worthing Borough and two separate applications have been submitted (AWDM/1265/17 and AWDM/1375/17).

The Teville Stream runs through the site, draining the catchment area of Worthing, via a culvert which lies adjacent to an historic landfill area at Decoy Farm. It is proposed to divert the stream from its current culverted position to a more natural form with the aim of improving the ecology and water quality of the stream. It will involve excavating 580m of new channel within Adur District running north-south to include the construction of a series of three silt traps at the upstream extent. A further 420m of existing channel, currently drainage ditches, will be modified to become the downstream extent of the new watercourse. Permission was previously been granted for a similar development in 2011 but the current proposal is for less extensive works.

The existing culvert, which is within Worthing Borough, is accessed from Deacon Way. It is to be closed off and retained as a receiving area for surface water run-off only. The open channel running from the Deacon Way culvert to the proposed new channel will remain as a backwater habitat.

The diversion of the watercourse, and the construction of three silt traps for silt removal and water quality improvement, will create spoil which it is proposed to redistribute evenly over the adjacent field, and to restore the access track and other restoration as a result of vehicle movements associated with the works. This will also assist in the remediation of the Giant Hogweed by removing contaminated soil and by burying seeds too deep to germinate.

Access will be from an existing farm track at the end of Loose Lane, within Adur District rather than from Dominion Way as previously approved. This removes the risks associated with using the Decoy Farm landfill site as a route of access, the potential of spreading invasive species into the development site and the need to construct a temporary bridge crossing from Decoy Farm onto the development site. A site compound with site offices and plant storage area will be located within the site to the south west of Loose Lane.

The aim of the project is to restore the watercourse and to open the area to public access with a new footpath to run alongside the stream linking Loose Lane with Deacon Way. A bird hide is proposed to be provided in the SE corner of the site.

## Relevant Planning History

AWDM/1111/12 Restoration of the Teville Stream involving excavation of a new channel, creation of reed beds, infill of existing culvert and restoration of surrounding land - approved

AWDM/1113/12 Restoration of Teville Stream involving construction of a works compound and access via Dominion Way, construction of a new channel and construction of an earth mound to block the existing Teville Stream culvert adjacent to Deacon Way - approved.

## Consultations

**West Sussex County Council:** The *Ecologist* has no objection.

**Adur & Worthing Councils:** The *Engineer* fully supports the application. Members need to be made aware of the changes that will occur to the Teville Stream upstream of the railway line.

The Teville Stream is classed by the EA as Main River and currently runs via a culvert from Deacon Way to Willowbrook Road where it becomes an open ditch flowing past the new WSCC waste site before flowing under the railway and ultimately to Brooklands Lake.

These proposals will remove nearly all flow from the culvert; however there are connections into the culvert so, during periods of heavy rain, water will still flow south. Nevertheless the length of ditch alongside Willowbrook Road will in effect become a backwater with little or no flow.

At times of very heavy rain the 16.0m long earth bund shown on the planning drawing could feasibly (very unlikely) be overtopped allowing flow through the culvert and ditch.

Therefore whilst partially decommissioned these two assets remain the responsibility of WBC and maintenance will still be required upon them. However none of the proposed ditch system will fall under WBC to maintain, we will however inspect them as they feed into Brooklands Lake.

The **Environmental Health** Officer recommends a full contaminated land investigation.

**Environment Agency:** To be reported

**Natural England:** No comments. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

**Southern Water:** No adverse comments but exact position of public sewers must be determined by the applicant.

**Sompting Parish Council:** Support

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AC1, AC4, AC5, AB1

Submission Adur Local Plan (ADC 2016) Policies 31, 32, 36

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 enhancement of the area and the improvement of the water quality and ecology of the stream are positive outcomes that should be supported in principle. The proposed footpath would eventually connect with the future allocated development on land at West Sompting to provide a link to Worthing across the Local Green Gap, one of the aims of Policy.

### ***Visual amenity***

The works will result in an enhancement of the landscape through the addition of an open, sinuous watercourse.

The redistributed spoil would have little impact in the wider landscape, being evenly spread over the surrounding land and used in the construction of habitat features on the site. Overall, the works will enhance the area providing an amenity asset for the public.

### ***Ecology and Sustainability***

There are slow worms and grass snakes on the site and the works are likely to be of a relatively short duration. Once completed the scheme will provide better and more extensive habitats for reptiles (and other species). Given these factors a suitable mitigation scheme only really needs to address the risk of harming reptiles during the works and these have been set out satisfactorily in a supporting document.

Despite most of the waterbodies being dry or having very little permanent water during 2017 it is likely that the populations of Smooth newts, Palmate newts, Common frogs and Common toads previously recorded still remain within the project area. However these species may only occur in quite low numbers given the current poor quality of the various waterbodies. Great crested newts were not detected in the 2012 survey and may be less likely to be present, due to Stickleback presence in at least two of the ditches during 2012.

The stream is currently failing its waterbody objectives due to extensive culverting and poor water quality provided by its urban catchment and proximity to a landfill and industrial estates. The proposal would improve the morphology (form, shape) of the watercourse, improve its water quality and improve its overall ecological status to the benefit of the wider area.

There is no objection to the proposal from the County Ecologist.

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

Construction access shall be from an existing farm track heading south off Loose Lane. It is not anticipated that this proposal will generate levels of traffic likely to have a significant impact on highway safety or capacity.

### ***Residential amenity***

There are no dwellings in the proximity of the site. Those close to the access are not expected to be adversely affected by the short term impact of the construction traffic.

### ***Contaminated land***

The proposed route of the new stream comprises natural soils although a naturally occurring higher area of contamination was found within one section. This is to be dealt with by means of lining the channel with clay to ensure protection of ecological receptors. No contamination was found as a result of the proximity of the Decoy Farm landfill site or industrial estate.

The site contains Giant Hogweed, a non-native invasive species and it is an offence to allow it to grow in the wild. The proposed works have the potential to cause the spread

of giant hogweed and, as such, a management plan has been prepared to ensure that it is removed and disposed of carefully and effectively.

### ***Archaeology***

No archaeological features were found during an initial survey of the site. However, it is recommended that a programme of archaeological work should be carried out prior to work commencing on site.

### ***Flood Risk***

The site is located within Flood Zones 3a and 3b where water compatible development such as proposed is appropriate. The impact of constructing the new channel and maintaining the existing culvert will be to increase the overall capacity of the river systems in relation to flood flows to the benefit of several industrial properties nearby.

In conclusion, it is considered that there are no adverse impacts on flood risk associated with the scheme.

### ***Recommendation***

## **APPROVE**

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

1. Approved Plans
2. Standard 3 year time limit
3. Contamination
4. Surface water and pollution prevention measures
5. Archaeology
6. Restoration of land on completion

**Local Government Act 1972**  
**Background Papers:**

As referred to in individual application reports

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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.