



**ADUR DISTRICT  
C O U N C I L**

**Planning Committee  
9 July 2018**

**Agenda Item 5  
Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0942/17                      Recommendation – APPROVE**

**Site:                      Land to the North of 20-40 Firle Road, Lancing**

**Proposal: Demolition of existing bungalow (No.20), construction of new access road, including alterations to part of the Firle Road footpath, and erection of 9no. detached two storey houses (2 x 2 bed, 5 x 3 bed and 2 x 4 bed), with 34 parking spaces and an ecology corridor surrounding the proposed development. (Play area and pedestrian access to the South Downs removed)**

**2**

**Application Number: AWDM/0479/18                      Recommendation – REFUSE**

**Site:                      75 Manor Road, Lancing**

**Proposal: Demolition of existing detached bungalow and erection of a pair of two-storey 3-bedroom semi-detached houses with associated landscaping, new wider vehicular access and formation of two parking spaces for each house.**

**3**

**Application Number: AWDM/0671/18                      Recommendation – APPROVE**

**Site:                      25 Cecil Pashley Way, Shoreham (Brighton City) Airport,  
Lancing**

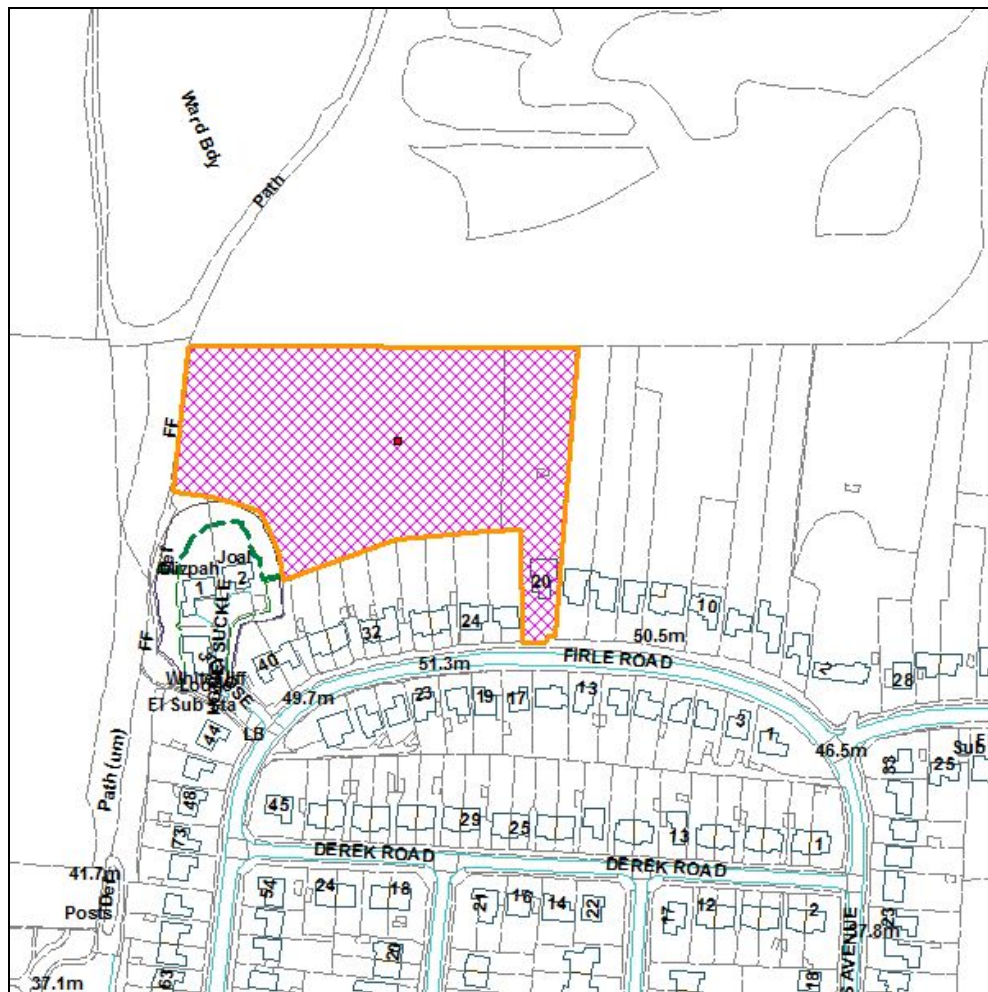
**Proposal: Change of use of 25 Cecil Pashley Way from a B1 (a) office unit (aviation-associated offices) to allow both Aviation and Non-Aviation based B1(a) office use. Minor external alterations to windows on east elevation.**

Application Number: AWDM/1942/17      Recommendation – APPROVE

Site:      Land to the North of 20 to 40 Firle Road, Lancing

Proposal:    Demolition of existing bungalow (No.20), construction of new access road, including alterations to part of the Firle Road footpath, and erection of 9no. detached two storey houses (2 x 2 bed, 5 x 3 bed and 2 x 4 bed), with 34 parking spaces and an ecology corridor surrounding the proposed development.

Applicant:      Mr Anthony Bell (lead Executor)    Ward:    Manor  
Case Officer:    Gary Peck



Not to Scale

## Proposal

This application seeks permission for the demolition of an existing dwelling, 20 Firle Road, the construction of new access road, and the erection of 9no. detached two storey houses (2 x 2 bed, 5 x 3 bed and 2 x 4 bed), with 34 parking spaces and an ecology corridor surrounding the proposed development. 4 of the houses would be located to the north of the access road, 4 are to the south and the remaining unit is located at the western end of the access road. During the determination of the application, a proposed Play area and pedestrian access to the South Downs were removed and no longer form part of the application.

The submitted Planning Statement states in respect of the appearance of the properties:

*All houses would comprise light grey brick and pink/ red random bricks at ground floor level, with light coloured weatherboarding with vertical joints allowed to weather naturally above. They would each have a sedum roof. Windows would consist of dark grey colour window frame, with bay windows clad in zinc. Each front door would comprise timber with brushed stainless-steel ironmongery. Rainwater goods (where seen) would be milled aluminium.*

It is further stated in the Planning Statement:

*The ground floor storey forms a solid and sturdy podium built in brickwork with deep large window openings. This structure is integrated with the courtyard and retaining walls, including the external storage areas, forming a layering to the elevations, and articulating between each house by the external steps and ramps. These walls could read as a metaphor of chalk escarpments and the articulation of their form suggests an appropriate cragginess and scale. Projecting over the podium, the architecture of the upper storey is timber frame, light and articulate. The 1st floor is offered to the view; reaching out for the south.*

*The entire living space benefits from a fully glazed south elevation within the balcony enclosure with the shallow pitched roof rising from the kitchen to the north to the highest elevation to the south. The brickwork to the lower storey has been through several layers of refinement. Early sketch designs included materials such as flint and bungaroosh. During pre-application advice we discussed the longevity of materials such as bungaroosh and it was jointly considered with Adur District Council that the casual use of flint, brick, lime and coarse sand may be inappropriate on account of its longevity in an exposed location. Good design weathers well and therefore materials have been chosen to be robust as well as complimentary to the natural location.*

*The brickwork pattern is white/ grey colour bricks to reflect the local chalk. Pink/red bricks to reflect the clay and blue bricks to reflect the flint; all natural and familiar materials of the South Downs.*

In terms of car parking provision, 4 spaces are proposed for the 4 bedroom properties, 3 spaces for the 3 bedroom properties and 2 for the 2 bedroom properties. 7 visitor spaces are also proposed and therefore the total car parking provision on the site is 34 spaces.

The gross internal floor area of the properties varies from 90 square metres for the 2 bedroom properties, to 126 square metres for the 4 bedroom properties.

During the determination of the application, following the omission of the Play Area and pedestrian access to the Downs, a revised Design and Access Statement was submitted. In respect of ecology, it states:

*Our phase I ecology survey confirmed that setting out a wide ecology 'blanket' around a development would support and improve the habitat for local species; both plants and wildlife: Preliminary ecology appraisal, Paragraph 4.11 page 23:*

*'The ruderal and scrubby edges, do provide some interest, with a layered habitat rich in flowering species. These edges provide screening, green corridors and landscape links to the wider area.'*

*It was therefore agreed that a strong and thorough principle of good ecological practice would be to provide an 'ecology corridor' around the development for the long-term sustainability of the natural environment.*

Section 15 of the revised Design and Access Statement sets out a list of conditions that the applicant would be agreeable to should planning permission be granted:

- i. Prior to occupation of the houses, a maintenance company should be set up to provide for and administrate the upkeep of the ecology corridor, grass roofs, bird boxes, bat boxes, trees and landscape features to the fronts of houses*
- ii. A landscaping planting list to be presented and approved by the Local Authority for the implementation of the Ecology Corridor and Chalk grassland.*
- iii. The Ecology Corridor to be kept in perpetuity and to be an undevelopable piece of land by legal agreement.*
- iv. No solid boundaries: fences/ post and rail fences or any form of delineation are to be introduced by owners of the houses.*
- v. No Permitted Development Rights so as to control any future development by owners.*
- vi. External Materials to be approved (to include the brickwork set out in this D & A Statement)*
- vii. No streetlights are to exist.*
- viii. The use of Satellite dishes is prohibited from anywhere where they could compromise the silhouette.*

A number of other technical reports were submitted with the application including ecology, transport and drainage and reference to these reports is set out in the relevant consultee responses.

## **Site and Surroundings**

The application site comprises 20 Firle Road and a large area of land to its north and west, previously used as a garden to serve number 20, which extends to the rear of the neighbouring properties 22-40 Firle Road as well as belong to the north east of properties in Honeysuckle Close. The northern boundary of the site is about 155 metres in length. From Firle Road to the northern boundary is about 120 metres, while the western boundary is about 60 metres, with the rear boundaries of Honeysuckle Close curving towards the south western corner of the site. The site sits about halfway along Firle Road and comprises rising ground leading to the Lancing Ring Nature Reserve which sits at the top of the hill.

The existing property appears to have been unoccupied for some time and is of declining visual appearance. A glass lean to at the back of the property is in particular disrepair. The main garden itself is still in relatively good condition although tree felling took place prior to the submission of the application. There is an evidence of an old tennis court and some areas of gradient have been plateaued in the past.

A small wire fence, located within existing vegetation, denotes the boundary of the application site with the nature reserve.

To the west of the existing house and garden is 22 Firle Road which sits closer to the road than the subject building. The boundary is denoted by a close boarded fence and there is also a large outbuilding in the rear garden of the property adjacent to the boundary of the application site. To the east is 18 Firle Road which sits on a similar alignment to the subject property. Across Firle Road to the south, residential properties are set at a lower level because of the slope of the hill. Firle Road is characterised by bungalows, although a large number of properties have extended into the roofspace, most commonly with flat roofed dormers.

The submitted landscape statement states:

*The topography of the site and its surroundings is an important factor in the appreciation of the site in relation to its landscape and visual context. The landform of the site and its immediate surroundings is typical of the southern slopes of the central downs, consisting of smooth, gently rolling landform cut by trough-shaped dry valleys. Situated mid-way along a south facing slope before the land levels towards the South Downs Plain, the site lies at a level between 52m and 72.5m Above Ordnance Datum (AOD). This level is broadly consistent with the other northern reaches North Lancing built up area. The land to the north of the site continues to rise to a local high point 'Lancing Ring' at 110m Above Ordnance Datum (AOD).*

The Landscape Statement also includes a landscape strategy with the following recommendations:

- *Retain all trees and scrub located around the edges of the site and plant additional native species within any prominent gaps to reinforce the enclosed character of the site and provide screening.*
  - *Create additional ecological enhancements around the perimeter of the site to strengthen the existing wildlife corridor.*
  - *Introduce chalk grassland, a key characteristic of the South Downs to the site through use of calcareous grass species on the green roofs and within open areas of the landscape.*
  - *Unenclosed front gardens and areas of open grassland should be created to reflect the existing site characteristic of open grassland.*
  - *Retain selected long open views between the properties to the south coast plain.*
  - *Hard landscape finishes to reflect the local vernacular.*
- Rear garden plots to be delineated with native hedgerow species linking the garden boundaries to the ecology corridor.*
- *Furniture to be robust, sustainable and reflect natural character of the South Downs. "Natural" play elements such as timber posts and stepping stones, timber/stone seating to be used within the play area.*
  - *Creation of a new access route to Lancing Nature Reserve via a gap in the northern boundary. The alignment of the path should integrate within the sloping surroundings.*
  - *Landscape to contribute to Sustainable Urban Drainage System (SUDS) through retention of existing trees to the perimeter, new tree planting, green roofs on all building roof surfaces, and permeable hard paving.*
  - *As part of the long term management of the overall site, a simple Landscape and Ecology Management Plan (LEMP) should be prepared.*
- This would aim to ensure the long term sustainability of the site and should include the management of the 'Ecological Corridor', grassland and green roofs. It is recommended that the applicant invites a pre-commencement condition requiring the submission of a LEMP.*
- *To ensure longevity, it is recommended that the communal grounds should remain in 'common' management by a single party, (established in the LEMP), and not individual home owners. An option could be given to individual home owners as to whether they include their green roofs under the common management.*
  - *The use of a restrictive covenant may be appropriate to prevent future additions to the private gardens such as sheds and close board fencing etc. or the restriction of Permitted Development Rights.*

The site area is given as 1.26 hectares (0.54 hectares comprising the proposed ecology corridor) and is located within the built-up area boundary as defined by the Adur Local Plan 2017. The 2017 Plan was the first to include this land within the built-up area boundary. The boundary of the South Downs National Park is immediately to the north of the application site.

## **Relevant Planning History**

**L/296/68** – Residential development – refused

**L/414/68** – Residential development – refused and appeal dismissed

**L/107/87/TP/1316** - Outline Application for Residential Development (Detached Bungalows with Private Garages) – application refused and appeal dismissed

**L/248/88/TP/301** - Outline Application for Residential Development (In the form of Single Storey Dwellings with Private Garages) – application refused and appeal dismissed

**L/91/96/TP/16411** - Two-Bedroom Bungalow at Rear (Outline) (2 Alternative Sites) – application refused

## **Consultations**

## **Planning Policy**

The site comprises the large rear garden of 20 Firle Road, Lancing.

### Policy Background.

The Adur Local Plan was adopted on 14<sup>th</sup> December 2017; as such, its policies have full weight.

### History of the site

The Built Up Area Boundary, as shown in the Adur Local Plan 1996, was drawn through the middle of the rear gardens of properties on the north side of Firle Road to take account of the Sussex Downs Area of Outstanding Natural Beauty and countryside designation in place at that time. The site was therefore outside of the built up area boundary, and there was a presumption against development of it. However, the gardens are part of the curtilage of the houses; they have defined boundaries and are well landscaped with trees and shrubs. They appear different in character to the open nature of the South Downs to the north and this was taken into consideration with the designation of the South Downs National Park in 2009, the boundary of which runs along the rear garden boundaries. There is no longer an AONB designation in this area.

The adopted Adur Local Plan 2017 shows a revised Built Up Area Boundary (BUAB) which follows the line of the National Park boundary, the Lancing Ring Local Nature Reserve and Local Wildlife Site along the northern boundary of the rear gardens of Firle Road. The garden land to the rear of 20-40 Firle Road is therefore within the built up area. The NPPF specifically excludes private residential gardens from the definition of previously developed land and therefore the site the subject of this planning application is greenfield land – albeit located within the BUAB.

### Strategic Housing Land Availability Assessment (SHLAA)

This site has been promoted for residential development for many years, both through the local plan process, the Urban Fringe Study (2006), the Urban Capacity Study and

SHLAA's. The main potential constraints and impacts of any residential development were considered to be:

- The steep gradient of the land which may affect the layout
- Access to the site
- Its location abutting the National Park, Lancing Ring Local Nature Reserve and Local Wildlife Site (which will necessitate a landscape buffer should the development receive permission).
- Impact of development on views from both the north and south

The SHLAA assessment of this site recognises its potential for development but notes that it is a greenfield site in accordance with the NPPF and careful consideration should be given to the impact on the surrounding area. The site slopes to the south and single story development at a lower density is appropriate given its location abutting the National Park.

It concluded that, with sensitive design and layout, the site is suitable for residential development. It is in a sustainable location, being within walking distance of a school, local shop and bus stop.

#### Relevant Policies

Policy 15 (Quality of the Built Environment and Public Realm), Policy 18 (Sustainable Design), Policy 20 (Housing Mix and Quality), Policy 22 (Density), Policy 30 (Green Infrastructure) and Policy 31 (Biodiversity) are particularly relevant.

Policy 22 (Density) seeks to achieve a minimum density of 35dph. The policy does allow for lower densities if exceptional circumstances can be demonstrated. The density of this development is very low at just 7 dph. However, given the sensitive location of the site and its relationship with the South Downs National Park, it is accepted that this development constitutes an exceptional case and achieving a higher density by maximising the development on the site is likely to result in an unacceptable impact on the surrounding area.

The application indicates that an "Ecology Corridor" is to encircle the site, recognising both the biodiversity value of the site and its location within the wider landscape. This is welcomed and is in line with Policy 30 (Green Infrastructure) and Policy 31 (Biodiversity).

In terms of housing mix, given the sensitive nature and the fact that the layout takes into account the sloping nature of the site, the mix of dwellings is considered acceptable. There is no requirement to provide affordable housing.

#### Conclusion

Providing that the provisions of the Local Plan policies are considered to have been met, there is no policy objection to this planning application.



## **South Downs National Park**

The proposed residential scheme would extend the built-up settlement area and would encroach the boundary of the Lancing Ring and National Park. However the impacts of this scheme are likely to be relatively low given the setback of buildings from the north boundary and the additional buffer afforded by rear gardens and additional planting. If minded to approve the application, it is recommended that a detailed scheme of landscape measures, including protection, enhancements and ongoing management are agreed. It would be particularly beneficial to improve native planting along the shared boundary with the Local Nature reserve. Such measures could be secured and monitored through conditions on consent.

The South Downs Public Access team has also provided the following comments:

This response is made in accordance with the general delegation to the Director of Countryside and Policy Management in relation to delivery on the ground of National park purposes, this is line with our Partnership Management Plan stated policy to improve and maintain rights of way.

Having reviewed the application documents, consulted the South Down National Park Authorities Ranger team and visited the site and surrounding area, the SDNPA Access team SUPPORTS THE PROPOSAL BUT WITH AMENDMENTS on the following grounds:

Our comments relate primarily to public access to and from the development and into adjacent rights of way and the Lancing Ring Local Nature Reserve.

The current plans do show provision for new access from the development directly onto Lancing Ring LNR. We welcome efforts to connect people with their local countryside, but urban fringe wildlife sites can suffer misuse and degradation particularly at access points. The development site is bounded on its western side by Public Footpath 2593. Rather than creating a new access onto the Nature Reserve, we'd recommend creating a connection to the existing public path 2593. From this route the public could have direct access to the whole rights of way network to explore the South Downs as well as access onto Lancing Ring Local Nature Reserve. Footpath 2593 does also go straight into Lancing Ring NR.

**SUMMARY:** Subject to the amendments and conditions set out above, it is not considered that the proposals would conflict with the Purposes of the National Park and no objection is raised.

**Amended plans:** The removal of direct pedestrian access onto the reserve is noted, however we do not wish to submit any further comments.

## **West Sussex County Council Highways**

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

### Summary and Background

The proposal seeks Outline Planning permission for access only for 20 residential bungalows. The proposal will result in a new vehicle access onto Firle Road and the continuation of the pedestrian link alongside the access road. Firle Road is a single carriageway "D" class local distributor road. The road is subject to a 30mph speed limit.

The application is supported by a Transport Statement (TS); this includes TRICS data and a Stage 1 Road Safety Audit (RSA) with Designer's Response. Upon inspection of the information and statements submitted, the LHA (Local Highways Authority) would not raise an objection to the proposals from the highway point of view. Detailed comments are provided in the report below.

### Access, Visibility and Stage 1 RSA

Access to the proposed is via a new bellmouth. The applicant proposes a pedestrian link to the south of the site, with tactile paving provided to link to the existing footway from the east to west. The footway will be 1.8 metres in line with the existing pavement. Visibility splays of 2.4 by 43 metres are achievable in both directions along Firle Road. These splays comply with the parameters set out in Manual for Streets (MfS) for a 30 mph road. As such, this junction is considered to be adequate to accommodate the vehicular movements arising from this proposal.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the proposed site access onto Firle Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

The RSA has identified 2 problems with the proposed access and footway link. In summary the issue has been addressed within the Designer's Response.

Problem 3.1- The Audit Team found that the Existing lamp column appears to be directly in the middle of proposed access arrangements. This could compromise road safety resulting in injury to motorists. It is recommended that the lamp column is relocated away from the proposed point of access. The Designer has responded and agrees with the Auditors recommendations. The LHA consider that this point can be considered as part of the Stage 2 Technical Aspect of the application.

3.4.1- The Auditor notes that the lack of pedestrian footway could compromise pedestrian safety. It is recommended that suitable facilities to access the proposed

development site are provided. The Designer disagrees with this point stated the site has the benefit of a 'Shared Surface' arrangement.

The LHA are satisfied with the response from the Designer. In line with Manual for Streets (MfS) parameters, traditional street layouts, footways and carriageways are separated by a kerb. In a street with a shared surface, this demarcation is absent and pedestrians and vehicles share the same surface. Shared surface schemes work best in relatively calm traffic environments such as the one proposed. The intention is that motorists entering the area will tend to drive more cautiously and negotiate the right of way with pedestrians on a more conciliatory level.

In conclusion having reviewed the RSA the principle of the access is acceptable. The works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team. This will require a Stage 2 RSA and Technical Check.

### Layout and Parking

There are no initial concerns with the indicative layout. The access road will take the form of a 5.0 metre wide shared surface arrangement with 8 metre kerb radii. This is considered suitable as this will be a low speed, low traffic environment. As already stated within the 'Access' section of this report MfS identifies that shared space is appropriate where vehicles flows are less than 100 per hour, the proposal would meet this criteria. Refuse collection will take place from within the site. Swept path diagrams have been provided showing larger vehicles turning paths within the site. The applicant should liaise with AWC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

It has not been stated if the access road will be constructed to adoptable standards; this would be achieved under a Section 38 Agreement. This however can be confirmed at a later stage.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation is in accordance with the demand from the PDC. From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

### Trip Generation and Capacity

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 3 two way movements in the morning and evening peak hours. This equates to 38 two-way trips throughout the day. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments.

It is recognised that this proposal would give rise to a more intensive use of Firle Road; however, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

### Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Firle Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Firle Road in light of the carriageway width and presence of other vulnerable road users. Given the construction of Firle Road, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the LHA to recover from the developer the cost of repairing any damage that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Asset Management team to prepare the s59 agreement should permission be granted

### Sustainability and Accessibility

The TS considers the accessibility of the site by walking, cycling, and passenger transport. Improvements are proposed to pedestrian infrastructure, namely to provide a length of footway along the southern side of Firle Road, with a crossing points via tactile paving to the adjacent footway. This would then provide a workable route for pedestrians towards the village centre and the nearest bus stops. Details have been provided of this improvement with a 1.8 metre footway shown. A footway of these dimensions would appear achievable within the limits of the highway. Some form of positive drainage may also be required, given that the carriageway presently appears to drain to the verge. The Stage One RSA considers the footway improvement. Those matters that are raised regarding this can have been resolved as part of the Designers Response.

It is considered that the footway link is in accordance with Paragraph 3.2.7 of LTN 1/04 where attractive walking and cycling opportunities should be attractive to users in order to make them a viable and appropriate facility.

Outside of the site the LHA acknowledge that traffic conditions within this area of north Lancing are attractive for walking and cycling. There are a number of bus stops within short walking distance of the site. These are located using the existing footway network and services connect to retail facilities within Lancing, Worthing and Shoreham. Lancing Station is located to the south of the site and is approximately 1.3 miles away. Whilst this may not be attractive to walk to, the station is a 7 minute cycle away or can be reached via bus. The station links east to west along the coast and to the north to Horsham, Crawley and London Victoria.

In terms of cycling the light traffic conditions may facilitate cycle movements within the surroundings roads would make cycling a viable alternative to the private car. Journeys to wider services and employment centres of Worthing and Shoreham would be mainly along the A259 and are not conducive to safe cycling due to higher traffic volumes and road layout. In terms of employment there are a number of employment opportunities within short walking or cycling distance of the site. In addition the site lies within close proximity of North Lancing Primary School.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within this area of Lancing There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

### Conclusion

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

### Further comments

## **Summary and Background**

The proposal seeks Outline Planning permission for access only for 9 residential bungalows. The proposal will result in a new vehicle access onto Firle Road and the continuation of the pedestrian link alongside the access road. Firle Road is a single carriageway "D" class local distributor road. The road is subject to a 30mph speed limit.

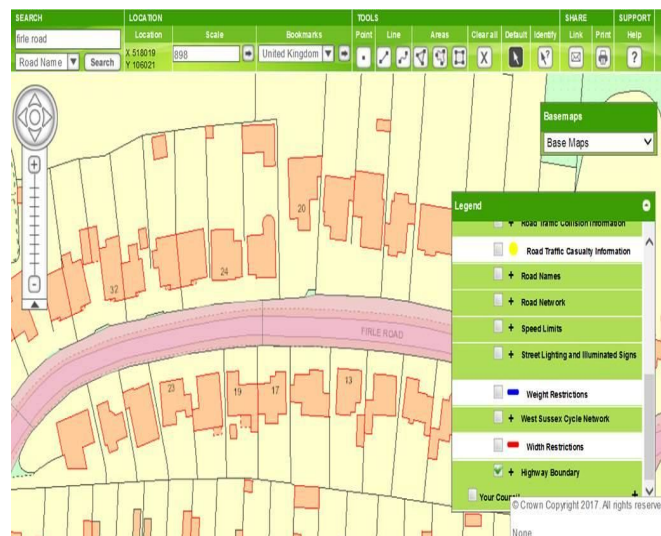
The application is supported by a Transport Statement (TS); this includes TRICS data and a Stage 1 Road Safety Audit (RSA) with Designer's Response. Upon inspection of the information and statements submitted, the LHA (Local Highways Authority) would not raise an objection to the proposals from the highway point of view. These

comments follow on from the previous comments from the LHA on the 26<sup>th</sup> January 2018-additional information has now been provided. Comments relating to TRICS data, the Stage 1 RSA and Construction have all been covered in our previous response from January 2018 and no further comments on these aspects of the proposals are considered necessary.

### Further Comments

Following local concerns with access and ingress into the site the LHA undertook a site visit on the 22<sup>nd</sup> February 2018. Further information was requested at this time by the applicant. Our observations and comments on these aspects are included below:

- Our site visit was undertaken at 08.45 am and we were the site for approximately 15 mins. The road was lightly trafficked at this time and it was observed that the road has good forward visibility in both directions.
- Attached is an extract of the Highway Boundary (in pink) according to our current records in relation to land ownership concerns. It should be noted that Highway rights take precedent over ownership.



- We acknowledged the concerns re the gradient and access. We have sought mitigation on these points. An access drawing (numbered 101a) showing the dimensions and anti-skid surfacing to address the issue of cars slipping/skidding on the approach to the junction. The LHA are satisfied with this approach and consider that these works could be secured by way of a planning condition.
- A tracking diagram (numbered 100b - The Swept path of a refuse vehicle) for a refuse vehicle has been provided which the LHA are satisfied with. This demonstrates that refuse vehicles can enter the site satisfactorily. This shows a parked car in place opposite the proposed point of access and whilst we accept the manoeuvre could be tight, there is the opportunity for a refuse vehicle to enter the site if a car were to be parked at this point. Consideration is also

given the frequency of these movements which are only likely to be once a week.

The applicant has undertaken a parking survey with particular emphasis on the days that refuse collection takes place in Firle Road and surrounding roads. This has been submitted in support of the original Transport Statement (TS). Refuse collection usually takes place between 08.30 and 09.00 am. In summary the survey does not identify any particular issues with parking along Firle Road when waste collection has taken place. Given the information proposed the LHA are satisfied with the results of the Parking Survey and consider that with an internal arrangement for waste collection taking place the proposals are unlikely to result in a 'severe' residual impact.

### Conclusion

Following the submission of additional information the LHA does not consider that the proposals would have a 'severe' residual impact on the immediate highway network in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF)

## **West Sussex County Council Archaeology**

### SUMMARY:

- The application area is located to the south of an extensive prehistoric and Roman agricultural landscape, located on the Downs above Lancing. A report of about 1830 refers to the discovery of human burials, thought to be of Anglo-Saxon date, in a chalk quarry, probably one of two known small quarries located adjacent to or about 100 metres from the application area. Archaeological remains of prehistoric, Roman or Anglo-Saxon date may have extended into the application area.
  - The considerable cut-and-fill earthworks required for proposed house and access road construction are likely to remove most of any archaeological remains present within the footprint of development.
  - Mitigation of archaeological impact is proposed through a programme of archaeological investigation and recording, to take place before the commencement of development-related ground excavations.
  - Provision for the archaeological mitigation should be made through the use of a suitable planning condition.

### COMMENTS:

On the downland to the north-east and north-west of the application area, previous discoveries of archaeological sites include crop marks of buried ancient field systems and trackways, and scatters of prehistoric worked flint.

These discoveries suggest that this section of downland was part of an extensive prehistoric and Roman agricultural landscape of rectilinear fields with occasional farmsteads and some ceremonial sites, such as the site of a Roman temple about 0.5 km to the north of the application area.

In a former chalk quarry, almost certainly one of two such quarries, shown on historical maps located respectively immediately to the south-west and about 100 metres to the south-west of the application area, human burials were found in about 1830, one accompanied by an iron knife. These are thought to have been Anglo-Saxon burials.

The garden of no. 20 Firlie Road, also downland before the later 1900s, is likely to be part of that prehistoric landscape, and may equally contain buried prehistoric or Roman field system ditches, possibly traces of ancient settlement. If the 1830s discoveries came from the nearer former chalk quarry, now occupied by the houses in Honeysuckle Close, further human burials may exist within the application area.

The submitted proposed site sections show that extensive cut-and-fill landscaping works will be needed to create the site access road across the hill slope, and the platforms upon which the new houses would be built. On the expected shallow downland soil of this site, any archaeological features cut into the chalk bedrock below will be largely or wholly removed as a result of the proposed landscaping.

It will be important to ensure that within the footprint of new landscaping, the archaeological impact of landscaping works will be mitigated in proportion to the severity of that impact. For this purpose, it is recommended that any archaeological features present on the site will be adequately investigated and recorded, before their reduction or removal during new landscaping.

Provision for this recommended archaeological mitigation should be made through the use of a suitable planning condition.

#### RECOMMENDATION:

No objection is offered to the proposals, subject to suitable heritage asset mitigation measures (archaeology, historic buildings and structures, scheduled monument).

These measures should be provided for through the use of a suitable planning condition

### **West Sussex County Council Ecology**

#### **Conclusion**

There is no ecological objection to the proposed development subject to the imposition of suitably worded conditions. Surveys are complete; mitigation has been proposed and translated into the design.

#### **Comment**

Phase 1 and the requisite Phase 2 ecological surveys have been completed to support the application.



The site carries no statutory or non-statutory designation pertaining to its ecological value however a Non-statutory Local Wildlife Site and the SD National Park lie immediately north. The site forms part of the wider ecological unit albeit of a lower quality than the adjacent land. I acknowledge the observations made within representations regarding the recent clearance activities. Evidence does point to significant clearance works having taken place on the site and the surveys did occur after this event. I can't comment on the scale of the impact arising from the clearance or whether harm occurred but protected wildlife is still using the site, having been picked up in the surveys commissioned for the site. The surveys themselves follow best practice and have recommended the expected level of mitigation and this appears to have been incorporated into the design.

### Badgers

9 separate potential badger entrances were monitored and at the time only one was found to be active and potentially in use by a badger at the time of the survey. Subject to appropriate mitigation there is unlikely to be any significant harm to badgers arising from the construction of the proposed development.

- As recommended (4.8), update monitoring of the holes prior construction is strongly recommended.
- Where future activity is recorded a Natural England licence will be required prior to any activity expected to disturb the sett.

### Bats

No bats or evidence of bats were recorded in the house to be demolished. The transect survey showed the northern boundary feature to be the most actively used feature on site. Whilst the more common pipistrelle spp dominated, *myotis* spp were recorded at low levels along with the more notable barbastelle. Any proposed scheme must therefore be designed to maintain features for bats to retain the site's value to bats in the long term. Subject to appropriate mitigation there is unlikely to be any significant harm to bats arising from the construction of the proposed development.

- An ecological buffer zone has been recommended and has been translated to the site plans.
- Recommendations have been made for the management of the wildlife buffer and these should be conditioned appropriately

### Reptiles

The site is considered a 'key reptile site' and a mitigation strategy has been developed to manage the impacts of the development.

- Following best practice, the reptiles will be caught and translocated out of the construction zone and into the receptor site located within the wildlife buffer zone.
- The receptor site will need to be enhanced prior to receiving the animals.

### Recommended conditions

#### Wildlife management plan

- I support the recommended conditions as described in section 15 of the DAS particularly i-v and especially vii. However, given the importance of the wildlife

buffer zone it is reasonable to request an outline management plan for the wildlife buffer area to be submitted for approval and prior to start of the construction of the development with full details to follow. Given the extended period required for reptile translocation this pre-commencement condition shouldn't be considered overly burdensome.

- Prior to construction a wildlife buffer zone management plan shall be submitted to the LPA for approval. All approved details shall be implemented in full.

#### Lighting

- In regards to vii (DAS S15) this is a particularly important design element that will help to avoid impact on the local bat community. Similarly, controls placed on any householder, regarding security lighting where light might be expected fall on adjacent vegetation, are strongly recommended.
- Prior to development or any preparatory works, a consultant ecologist will be commissioned to ensure that the construction lighting scheme does not have any detrimental impact on commuting bats and a full report submitted to the Local Planning Authority for approval . The lighting shall not be carried out other than in full accordance with any such approval given by the Local Planning Authority. At no time shall any permanent external or external facing lighting source be installed.

#### Badgers

- No development or preparatory works shall begin until a qualified ecologist has been engaged to undertake a pre-construction badger survey to re-fresh existing data two to four months prior to the commencement of construction. Thereafter, further surveys will be undertaken every 6 months or until the construction is complete. The monitoring will inform badger mitigation and its adaptation as required.

#### Reptiles

- Prior to construction or any non-wildlife preparatory works, the reptile receptor site shall be prepared and all reptiles within the affected areas translocated to it following best practice and as outlined within the submitted ecological survey.

### **Environmental Health**

Original comments:

It may be worth having a condition to control the hours of demolition and construction and construction management plan which should have a complaint procedure.

Please can you also include an informative advising the applicant that they will need to contact environmental health for a demolition notice under the Building Act 1984 before commencing any demolition.

I have seen the amended plans and I have nothing to add.

## **Environmental Health (Contamination)**

Full condition required

## **Environmental Health (Private Sector Housing)**

Originally raised concern regarding means of escape. Following clarification regarding the internal layout of the properties (that in all house types the bedrooms are on the ground floor and upon entering the house one ascends to the 1<sup>st</sup> floor living room and kitchen. In the event of fire the means of escape is by opening a window and stepping out. At 1<sup>st</sup> floor and because of the gradient of the site access to the back garden is also accessible from the 1<sup>st</sup> floor level), the concerns were withdrawn and no objection raised.

## **Technical Services**

Original comment: No issues, good drainage report

Further comments i:

I have re-appraised this application after reading the response from Southern Water, visiting the site and talking to a local resident.

I would like to refer to GTA DRAWING 6355/102 this shows that the access road to the proposed site has a fairly steep slope 1:11.

No edge drainage is provided so water could cascade down this slope and flood onto Firle Road, potentially increasing flooding to an area that is prone to surface water flooding.

To combat this, the designers have utilised permeable paving with a considerable thickness of water storage medium beneath and they have incorporated cross slope baffles and a SW channel at the site boundary. Whilst the paving remains clean this should prevent surface water running down the road and flooding the properties opposite.

But this same drawing shows the main sewer running the length of the road. If you refer to the letter dated 25/01/2018 from Southern Water this states:-

*Please note that construction of permeable paving over adoptable sewers will not be acceptable to Southern Water. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.*

This would imply that the site foul drainage cannot be adopted, and would remain private, or the sewer would need to be relocated, or the surfacing material would have to change.

Should this application be approved, I would like a further condition which states:-

The access road must be constructed in accordance with the submitted drawings subject to changes required to the drainage medium and baffles arising from on site percolation tests. Under no circumstances is the road to be constructed from any form of impermeable surfacing, and the residents of the new development must ensure that the paving and perimeter drain are regularly cleaned in accordance with manufacturers' recommendation.

Reason: to reduce the likelihood of off site flooding to surrounding properties

Further comments ii:

I have re-appraised this application after reading the revised response from Southern Water, and looking at the details provided by the Architect. The geotechnical report, confirms that the chalk is firm and can take the foundation loads from the proposed development, and will also be able to drain the site of surface water adequately. The applicant has assumed an infiltration rate for the initial design and acknowledges this must be checked on site as soon as practicable.

My initial concern regarding the locating of the main foul sewer under the permeable paved site access, can now be removed as Southern Water accept that they misinterpreted the drawing, assuming a Type C drainage design rather than the Type A being provided. Therefore the site can be connected to the public sewer network and the main sewer will be adoptable.

So therefore I now have no concerns regarding surface water disposal on the site.

But

Should this application be approved, I would still like a condition which states:-

The access and estate roads must be constructed in accordance with the submitted drawings subject to changes required to the drainage medium and check dams arising from on-site percolation tests. Under no circumstances are the roads to be constructed from any form of impermeable surfacing, and during the construction process the access road is to be regularly cleaned or better still protected from contamination and the residents of the new development must ensure that the paving and site boundary drain are regularly cleaned in accordance with manufacturers' recommendation.

Reason: to reduce the likelihood of offsite flooding to surrounding properties, during and post construction.

## **Waste Strategy Manager**

It looks like this particular development will be able to be serviced with standard wheeled bins. However, I am not convinced by the accessibility and turning of the vehicles. Could a tracking diagram be provided to enable us to see that our vehicles will be able to turn around safely as proposed? Our vehicles are Dennis Eagles, 10.1m long.

### Further comments

These properties can all have a standard wheeled bin service with bins presented at the front edge for collection. Access issues look to be acceptable so no further comments from me.

## **Southern Water**

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”. Please read through our New Connections Services Charging Arrangements documents which has now been published and is available to read through on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

The Council’s Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

If the applicant wishes to offer the on-site foul drainage for adoption, the assessment of this proposal should be carried out by Southern Water on applicants request under Section 104 of the Water Industry Act 1991 before implementing on the site. All works should comply with Sewers for Adoption standards.

Any works within highway/ access road will require to protect public apparatus and the protection details need to be submitted to, and approved by Southern Water under NRSWA enquiry.

Please note, no new soakaways should be located within 5 metres of a public or adoptable sewer. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

## **Representations**

**Lancing Parish Council:** Object on the grounds of:

- Negative visual impact upon the surrounding area and National Park
- Existing properties will be overlooked and lose their privacy
- Development is overbearing with too many properties included
- Entrance to the site creates highway safety and access issues
- Loss of ecological habitat

**Friends of Lancing Ring:** Object on the grounds of:

- Proposed access point to the Nature Reserve is unnecessary
- Development represents creeping urbanization
- Concern regarding the future management of the ecological corridor

185 letters of objection and 16 further letters of objection after the pedestrian access/play area was removed have been received on the following grounds:

- Previous applications have been refused at the site
- The proposal is contrary to the National Planning Policy Framework
- Proposal is contrary to the policies of the Local Plan
- The site is designated as greenfield and development should be opposed in principle
- Development should consist of smaller properties
- If this development is permitted it will act as a precedent for future development
- The proposal is a money making exercise for an individual
- Overdevelopment of the site
- The design is out of keeping with the area
- Flat roofs are in keeping with the character of the area
- The character of North Lancing is different to the proposal
- Predominantly bungalows in the area

- The site is too close to the National Park
- Overlooking and loss of privacy to existing properties in Firle Road
- Inadequate infrastructure in the area to serve the proposed development
- Noise and disturbance from the proposed access road
- Existing road infrastructure is insufficient
- The access road is too narrow
- The access road is too steep with a gradient of 1:10
- Cars will not be able to stop on the steep access road: there have been previous accidents
- It is already difficult for vehicles to pass each other along Firle Road
- Access from construction traffic will be unsafe and adversely affect the character of the area
- Increased traffic
- The traffic survey undertaken was carried out over too short a period
- Trees were felled and wildlife affected before the application was submitted
- Adverse impact upon wildlife
- It will not be possible to adequately maintain the ecological corridor
- Difficulty of collecting bins from the residential properties
- Inadequate drainage
- Object to emissions from the proposed wood burner
- Drainage already runs off from the site
- The chalk cliff is crumbling
- The amount of chalk to be excavated will need to be taken off site and not accommodated on site as the applicant suggests
- Excavation to build the properties will be dangerous

2 letters of support have been received on the grounds that the proposed development is well thought out and designed

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

Adur Local Plan 2017: Policies 1 (The Presumption in Favour of Sustainable Development), 2 (Spatial Strategy), 3 (Housing Provision), 15 (Quality of the Built Environment and Public Realm), 18 (Sustainable Design, 20 (Housing Mix and Quality), 22 (Density), 30 (Green Infrastructure) 31 (Biodiversity), 36 (Flood Risk and Sustainable Drainage)

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**

### Principle of development

As can be seen from the planning history above, applications have been received for residential development between the 1960s and 1990s, with all previous applications having been refused and appeals dismissed in 1969, 1988 and 1989.

The application site had been originally designated as being outside the built-up area in the Lancing-Sompting Town Map of 1958 and hence the applications refused in the 1960s were on the point of principle that development is resisted when outside of the built-up area. By the 1980s, the Adur District Local Plan of 1985, a non statutory plan had been adopted of public consultation purposes and this also showed the site to be outside of the built-up area as well as within the then Sussex Downs Area of Outstanding Natural Beauty.

An application was received in 1987 for a development of 10 dwellings on the application site, demolishing number 20 Firlie Road to gain access, and siting the dwellings all to the north of the application site. At that time, there appeared to be some dispute as to whether all of the application site could be described as garden area, it being described in the first appeal decision as 'partly garden land and partly scrub and downland'. The 1987 application was refused by the Council on the grounds that the site was outside of the built-up area, within the Area of Outstanding Natural Beauty, not allocated for housing, did not meet a housing need and that there was sufficient land allocated for housing in the District. As such, therefore, the refusal reasons were all matters of principle as a result of the site being outside of the defined built-up area boundary.

The appellant at the time had argued that the built-up area boundary had been incorrectly drawn (the long rear gardens of the houses directly to the east were included within the built-up area at that time). The Inspector stated in the appeal decision:

*'Whatever the merits of the arguments about the built-up area boundary are, I have to consider the boundaries as they are currently defined and in this respect I have concluded that the dwellings if built would be contrary to the council's rural settlement policies and would encroach upon the Area of Outstanding Natural Beauty. Also...I have concluded that the development would be within the Lancing/Sompting and Worthing Strategic Gap'*



*'Policies...seek to permit development in areas of outstanding beauty and within Strategic Gaps only in compelling circumstances...there are no compelling circumstances in this case which would justify allowing the appeal proposal to go ahead contrary to these policies.'*

It can be seen from the above, therefore, that the location of the site outside of the built-up area was the main factor in dismissing the appeal.

The Inspector in the appeal decision above referred to the Strategic Gap and there was some dispute as to whether the site was actually in the Strategic Gap and this led to the submission of a similar application a year later on the basis that the previous Inspector had considered the wrong policies in dismissing the appeal. Nonetheless, the designation of the site outside of the built-up area boundary had not changed, nor its position within the Area of Outstanding Natural Beauty and the Council accordingly refused the application for the same reasons as previously (the Council itself had not mentioned the Strategic Gap in its previous refusal reasons).

It is noted that in the 1988 committee report, the officer stated, after the dealing with the matters of principle, that:

*'With regard to the other matters raised by the objectors, notably detriment to highway safety and disturbance due to increased traffic, risk of overlooking and drainage problems, it is not considered that these are of sufficient weight to constitute reasons for refusal'*

The appellant again disputed the built-up area boundary (by this time the Council was considering excluding the land to the east from the built-up area) but the Inspector stated *'it seems reasonable to me to exclude this land from the built-up area and to indicate thereby that further development of Lancing northwards is undesirable'*.

At paragraph 10 of the decision letter, the Inspector stated:

*'Even were the built-up area boundary line to run north of [the] site, it would still be necessary to consider whether development was appropriate and the impact of any such scheme...My main concern is the effect of the proposed development on views of the Area of Outstanding Natural Beauty from the south...The proposed development of the appeal site, which is on rising land behind Firle Road within the Area of Outstanding Natural Beauty, would add to the built development which can be seen against the Sussex Downs...Notwithstanding the vegetation on the site, this rising land makes the site relatively conspicuous, the proposal would be materially detrimental to...the Area of Outstanding Natural Beauty.'*

The Inspector therefore dismissed the appeal.

There were no further applications until the 1990s. By this time, the Adur Local Plan of 1996 had been adopted with the application site still remaining outside the built-up area boundary. The Inspector had been *'firmly convinced'* that the site should remain

outside of the built up area, the appellant having objected to the built-up area boundary at the Local Plan Inquiry. Accordingly, the objections to the principle of development remained. In 1996, an application for a single bungalow on the site was submitted, was refused, and again dismissed at appeal. This application sought to retain 20 Firle Road and run the access to the proposed bungalow between it and number 22. As well as dismissing the appeal as a matter of principle, the Inspector considered that the impact of the driveway was unacceptable.

The designation of the site remained unchanged until 2009 with the designation of the National Park boundary. It was considered that the site was different in character to the open nature of the South Downs to the north and hence not included within the National Park boundary. As the National Park replaced the designation of the Areas of Outstanding Natural Beauty in the area, the site is therefore no longer within the Area of Outstanding nor within the National Park.

Following on from the designation of the National Park boundary, the adopted Adur Local Plan 2017 shows a revised Built Up Area Boundary which follows the line of the National Park boundary, the Lancing Ring Local Nature Reserve and Local Wildlife Site along the northern boundary of the rear gardens of Firle Road. The application site is therefore now within the built up area.

Whereas in the past, built-up area boundaries were often drawn across residential gardens, they are now far more commonly defined around the curtilage of residential properties, therefore including areas of garden that have previously been excluded. Although the National Planning Policy Framework (NPPF) excludes private residential gardens from the definition of previously developed, or brownfield, land contained within Annex 2 of the NPPF, the designation of the land within the built-up area, as well as its exclusion from the National Park boundary, means that the principle of development is now acceptable and therefore the refusal reasons previously identified no longer apply in respect of the site being outside of the built-up area boundary and within the Area of Outstanding Natural Beauty. Moreover, the widely accepted need to provide more housing also means that the previously used refusal reason in the 1980s that sufficient housing had been allocated in the Adur District can also no longer be applied.

Nonetheless, the application still needs to be considered in relation to normal development management criteria which are assessed below.

### **Traffic and Highway Safety**

At paragraph 32 of the NPPF it is stated that '*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*' The effect of this paragraph means that a proposed development would have to have a significant impact for it to be refused on such grounds. It is noted that even in the applications submitted in the late 1980s for a similar level of development which were refused as set out above, there was no objection from the County Council as the Highways Authority and accordingly highway concerns did not form part of the previous refusals. Indeed, the officer at the time did

not consider that a refusal on such grounds could be justified. At that time, the 'severe' test as set out in the present NPPF was not part of government policy. Furthermore, the NPPF also sets out that there is a 'presumption in favour of sustainable development'. While some distance from the centre of Lancing, the application site would be served by the bus route that runs along Firle Road and is also within walking distance of the local primary school. In transport terms, therefore, the site can be considered as sustainable.

It is noted that the County Council do not raise an objection to the proposal and your officers agree that, having regard to national planning policy, an objection on such grounds could not be sustained in the event of an appeal. The County Council has confirmed that, were the application to be refused on transport grounds, they would not be able to support the District Council's position at appeal and accordingly it is quite probable that costs would be awarded against the Council in this instance.

It is acknowledged that Firle Road is effectively a single carriageway in many places because of unrestricted parking controls leading to on street parking (although many properties have off road parking available). This does not appear to be an uncommon characteristic of North Lancing but for a refusal to be substantiated on highway safety grounds, it would have to be demonstrated that the additional 9 dwellings would cause a severe impact. It seems unlikely that the development will generate much, if any, parking on Firle Road itself given the extremely high parking provision on site (34 spaces). Given that the Council has often had to accept parking provision at less than 2 spaces per unit in the past, a provision of almost 4 spaces per unit, including visitor parking, would appear sufficient to serve the requirements of the development. Moreover, given that the dwellings will be located some distance from Firle Road via a steep access road, it would appear less likely that a number of the occupiers of the properties would wish to leave their vehicles along Firle Road.

The gradient of the access has caused understandable concern among local residents. Again, your officers must be guided by the Highways Authority in this aspect of the proposal. The gradient of the proposed access is 1:10 which is acceptable to the Highways Authority who advise they do in fact accept gradients of 1:8. The key issue in respect of the gradient appears to be able to mitigate by condition, as suggested by the County Council, to ensure that anti skid surfacing is part of the access with details to be agreed prior to the occupation of the dwellings.

Similarly, it is fully understandable that local residents have expressed concern regarding construction of the development if approved. The planning system, though, rarely allows the possibility of a development being refused permission because of the effects of construction vehicles provided that adequate mitigation measures can be agreed prior to the commencement of development and controlled by condition. This would not prevent some noise and disturbance to neighbouring occupiers but again is not a sustainable reason for refusal. As stated in the County Council response:

*Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Firle Road. A comprehensive construction management plan would be sought*

*through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Firle Road in light of the carriageway width and presence of other vulnerable road users. Given the construction of Firle Road, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the LHA to recover from the developer the cost of repairing any damage that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Asset Management team to prepare the s59 agreement should permission be granted*

The County Council require a condition to be imposed on any permission granted. Concern has also been expressed regarding the amount of chalk that may need to be brought off site because of the excavation works needed to construct the dwellings. The agent has stated that he does not believe that chalk will need to be transported from the site as it can be reused on the site. He has stated that he is willing to accept a condition to this effect. It is preferable that that the excavated material remains on site and it is considered that such a condition would be sufficiently precise for it to be enforceable. Should it subsequently prove to be the case that some material does need to be brought off site, then planning permission would be required to vary the condition and, in all likelihood, a further management plan required.

Concern has also been expressed regarding the collection of refuse and recycling from the site. As is normally the case with an application of this nature, the Waste Strategy Manager required a dedicated tracking diagram to prove that the Council's refuse vehicles can enter and exit the site safely and turn within it. The diagram was considered acceptable and accordingly no objection has been raised by the Waste Strategy Manager.

While concerns expressed by residents are understandable, your officers must conclude that having regard to national planning policy, there are no justified reasons to resist the application on highways grounds.

## **Ecology**

Neighbours have expressed concern that a large amount of tree felling was undertaken prior to the submission of the application which has affected wildlife on the site and made conditions more favourable for the proposed development. However, there were no protected trees on the site and there was no restriction on the applicant carrying out the works.

The information submitted with the application is considered by the County Ecologist to *follow best practice and have recommended the expected level of mitigation and this appears to have been incorporated into the design.* The test as set down in the NPPF is that where the effects of a development cannot be adequately mitigated then planning permission should be refuse. Where effective mitigation can take place, then conditions should be imposed to ensure such mitigation can be achieved and in this instance the County Ecologist has suggested a number of such conditions.

The proposed Ecology corridor is considered to be a welcome component of the scheme.

## **Drainage**

This is another technical issue where concerns have understandably been raised by local residents. Indeed, it is again noted that such concerns were raised during the submission of the schemes in the 1980s and, as with highways concerns, the officer at the time considered that a refusal of the proposed development could not be justified on such basis.

It is noted that initially the Drainage Engineer raised no concerns with the submitted information and indeed considered the information submitted as of a good standard. In light of the comments received both by neighbours and Southern Water, the submitted information was re-evaluated on 2 separate occasions and again no objection raised subject to a condition. As with the ecology issue outlined above, planning permission should not be withheld for a development if the impacts of the proposal can be adequately mitigated.

## **Land Stability**

This has been another matter of considerable concern, again understandably, for neighbouring residents.

The matter of land stability is subject to a specific Planning Practice Guidance Note which states that the planning system works alongside a number of other regimes including Building Regulations and therefore is not solely a planning issue. Again, government guidance concentrates on the mitigation of such impacts. The guidance note states: *If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.* The Guidance Note also sets out a flowchart of how such matters should be dealt with and this essentially places the burden of proof on the developer to demonstrate that there are no identified risks or, if there are, that such risks can be adequately mitigated. The NPPF also gives brief guidance on the issue, stating that *'where a site is affected by...land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.'*

In accordance with the above advice, a geotechnical report was submitted during the determination of the application which concluded:

*'It is understood that the closes of the proposed properties (House 5) to the former chalk pit lies around 21 metres north of the crest of the former chalk pit cutting slope. In line with published geotechnical texts, any foundation loadings resulting from the house/garage will dissipate into the ground at between a 30 to 45 degree angle from the vertical from underside of the foundations and taking account of the distance*

*between the house and the top of the chalk pit slopes this theoretical line will not intercept daylight in the former chalk pit slopes.*

*Taking account of the above, it is considered that the proposed foundation loadings will not result in any increased loading to the former chalk pit slopes, or have any influence on the stability of them.'*

In light of the above report, it is not considered that planning permission could be resisted on this basis, having regard to national planning policy. Members are reminded that Building Regulations will also be required should planning permission be granted and that the relevant requirements in respect of that legislation would remain to be met, irrespective of any planning approval.

### **Archaeology**

No objection has been raised subject to the imposition of a condition which is considered to be normal practice in such cases.

### **Impact upon neighbouring properties**

A number of objections have been received regarding the impact upon neighbouring properties, principally by way of overlooking.

Again, it is noted that despite the previous principled objections to the development of the site in the 1980s, the officer at the time concluded that a refusal could not be justified on the basis of overlooking to neighbouring properties.

The Council's overlooking standard is ordinarily 22 metres. Given that the length of the rear gardens in Firle Road adjacent to the application site exceeds or is the equivalent to that distance in each case, the proposed development complies with the required overlooking distances. Additionally, the proposed development is set back from the site boundaries with the proposed ecological corridor being located between the southern boundaries of the proposed dwelling and the gardens of the properties in Firle Road.

The distance between the proposed and existing dwellings therefore exceeds 40 metres at the nearest point and while some allowance could be made in respect of the Council's overlooking standard of 22 metres in that the development is situated on higher ground than the residential properties below, it is not considered that permission could reasonably be withheld in terms of overlooking given the Council's standard is comfortably met and that there will be the opportunity to provide additional screening as a result of the ecological corridor.

The screening is also important in the impact of the scale of the development, aside from overlooking, as 2 storey properties at a higher level than existing buildings would have the ability to impact upon the outlook and amenity of the existing buildings. However, the separation distance is such that there would not be a material loss of

light and with intervening screening, the impact of the properties would be reduced still further. Such is the topography of North Lancing, properties on higher ground than those to the south is not uncommon and it would seem difficult to demonstrate that material harm sufficient to warrant the refusal of planning permission is created.

The other potential impact upon neighbouring properties is a result of the access road. Again, this was not raised as an issue in the previous appeals where number 20 Firle Road was proposed to be demolished to facilitate the access road as is the case in the current application. The 1990s proposal to locate the access between 20 and 22 was quite clearly unacceptable due to the limited spacing between the dwellings but your officers do not feel that the access as proposed, with the demolition of number 20 allowing it to run centrally between 18 and 22 would cause significant enough harm to warrant a refusal of the application.

### **Visual impact of the development**

For the reasons set out above, your officers feel that the considerations outlined above could not sustain a refusal at appeal and therefore the remaining issue in respect of the proposal is the visual impact of the proposal.

The previous refusals in the 1980s were as a result of the application site being located outside of the built-up area and within the Area of Outstanding Natural Beauty (AONB). While both designations no longer apply, the visual character of the site, recent clearance works apart, can be considered as similar to that considered at the time of the previous appeals. Furthermore, while the AONB designation to the site itself no longer applies, the land immediately to the north is now within the National Park – a National Park designation would ordinarily be held to give even stronger protection to land than that within an AONB.

The Inspectors that considered the site in the late 1980s seemed to consider the visual impact of the site in somewhat different ways, with the latter Inspector stating, as outlined earlier in the report:

*Even were the built-up area boundary line to run north of [the] site, it would still be necessary to consider whether development was appropriate and the impact of any such scheme...My main concern is the effect of the proposed development on views of the Area of Outstanding Natural Beauty from the south...The proposed development of the appeal site, which is on rising land behind Firle Road within the Area of Outstanding Natural Beauty, would add to the built development which can be seen against the Sussex Downs...Notwithstanding the vegetation on the site, this rising land makes the site relatively conspicuous, the proposal would be materially detrimental to...the Area of Outstanding Natural Beauty.'*

As such, the first sentence of the Inspector's paragraph almost anticipates the current situation, with the site being included within the built-up area, although the effect on the views on the AONB could be not considered here since it no longer exists.

However, the Inspector did feel that the development would be seen against the Downs (now the National Park).

The earlier Inspector had concluded:

*'I fully accept...that the appeal site is well screened from outside view at present and that, in spite of the council's arguments to the contrary, a modest development of perhaps 10 bungalows on the site would not easily be seen from Firle Road or from above the appeal land on the Downs'*

Given the incorporation of the land to the north within the National Park, it is important to consider the impact or otherwise from the development to the Park itself. As would be expected in such a case, the National Park Authority was consulted on the application and quite clearly their comments should hold some weight. As outlined above, the National Park Authority does not object to the application, stating:

*'...the impacts of this scheme are likely to be relatively low given the setback of buildings from the north boundary and the additional buffer afforded by rear gardens and additional planting.'*

Accordingly, the Park authority does not object to the proposal with their main concern being the previously proposed pedestrian access to the Downs which has now been removed from the application. Your officers have also walked the site and agree with the National Park's conclusion in that the scheme is set back from the northern boundary. There is reasonable screening towards the National Park, with some of it being outside of the application site itself going by the fence that denotes the application site boundary which is within the screening. It would appear, therefore, that as suggested by the National Park Authority in their comments, if an adequate landscaping plan is provided, then there would be no adverse impact upon the Park.

The view from the immediate south is more difficult to quantify. From public viewpoints in Firle Road, views of the new development may be visible between the dwellings, but the limited spacing between these dwellings does not appear to lead to the conclusion that the development would have an adverse impact upon the character of the area from these points. In any case, even if the development could be widely viewed from Firle Road, it would be in the context of being viewed through a number of bungalows that often have had front flat roofed dormer additions of varying design and little cohesive visual quality (a number presumably from the period when such dormers did not require planning permission). In that respect, it would be difficult to conclude that the development would have an adverse impact on the character of the area when viewed from Firle Road.

Greater views may be obtained from an intermediate distance (from Lynchmere Avenue for example) but your officers are of the view that the same comments as above would apply in that the development would have to be seen in its immediate context.



The main impact is therefore more likely from distant views such as, for example, from the A27 where views of North Lancing stretching up the hillside to the National Park can be seen from various viewpoints. It can be assumed that the development would also be visible given that the design of the properties would appear to take advantage of the wide southern views that the application site affords and indeed many of the existing properties in the area enjoy.

Again, the fact that the National Park Authority has not objected to the application is noted given the development would be seen against the National Park when viewed from a distance. It is considered that the main issue in the acceptability of the proposal in this respect is therefore the density and design of the proposal.

The density of the development is very low at 7 dwellings per hectare and as such could be said to be conflict with the necessity to make efficient use of land within the built-up area. Such a density is clearly far lower than the development to the south. However, it is considered that a higher density would be inappropriate to the context of the National Park to the north and adequate spacing between dwellings is important to ensure that adequate landscaping can be achieved. This is certainly no need, therefore, to seek a higher density development and therefore the density is considered to be acceptable.

The Strategic Housing Land Availability Assessment (SHLAA) states that a low density, low rise development is likely to be appropriate for the application site, following on from its inclusion within the built-up area. Given that the density is appropriate, the remaining issue is whether the development is low rise. The National Park Authority does not consider that the development will be prominent when viewed from the National Park to the north. It is considered that the design of the development, which uses the principle of ground floor podium with first floor projecting over, has taken account of the both the advantages and constraints of the site and has resulted in a design that is appropriate to the context of its surrounds. While 2 storeys, the nature of the slope of the site means that the lower storey can sit at or slightly below existing ground levels so that the dwellings do not represent a full 2 storey development. A ground levels condition is proposed to ensure that the confirmation of the finished floor levels is agreed by the Council.

## **Conclusion**

The planning status of the application site has been altered by the exclusion of the site from the National Park boundary, the deletion of the Area of Outstanding Natural Beauty designation and the inclusion of the site within the built-up area as defined by the Local Plan. It is no longer possible to object to the development as a matter of principle. National planning policy now requires there to be a presumption in favour of sustainable development and there is a widely accepted need to provide new housing within the built-up area.

None of the technical consultees have objected to the application, as indeed was the case in the past when residential development was refused as a matter of principle,

and as a result while concerns regarding highway safety, drainage and land stability are acknowledged, the Council does not have sufficient ground to resist the proposal on those grounds. Similarly, the National Park Authority does not object to the proposal.

While concern has been expressed regarding the design of the proposal, it is evident that some care has been taken to produce a design appropriate to its surrounds. The development is of a low density and the provision of an ecology corridor, which can be secured by legal agreement, will assist in providing a development that successfully integrates into its surrounds. Accordingly, it is recommended that planning permission be granted.

### **Recommendation**

**GRANT planning permission subject to the conditions below and the completion of a legal agreement ensuring the management and retention of the Ecology corridor in perpetuity:-**

- 01 Approved Plans
- 02 Full Permission
- 03 Prior to construction a wildlife buffer zone management plan shall be submitted to the LPA for approval. All approved details shall be implemented in full.
- 04 Details of any walls and fences to be submitted and approved by the Local Planning Authority.
- 05 Withdrawal of permitted development rights
- 06 Details of proposed lighting, including security lighting, prior to development or any preparatory works, a consultant ecologist will be commissioned to ensure that the construction lighting scheme does not have any detrimental impact on commuting bats and a full report submitted to the Local Planning Authority for approval . The lighting shall not be carried out other than in full accordance with any such approval given by the Local Planning Authority. At no time shall any permanent external or external facing lighting source be installed.
- 07 No development or preparatory works shall begin until a qualified ecologist has been engaged to undertake a pre-construction badger survey to re-fresh existing data two to four months prior to the commencement of construction. Thereafter, further surveys will be undertaken every 6 months or until the construction is complete. The monitoring will inform badger mitigation and its adaptation as required.
- 08 Prior to construction or any non-wildlife preparatory works, the reptile receptor site shall be prepared and all reptiles within the affected areas translocated to it following best practice and as outlined within the submitted ecological survey.
- 09 Hours of demolition and construction, 9-5 Mon to Friday, 9-1 Saturday and no working on Sundays, Bank or Public Holidays
- 10 The access and estate roads must be constructed in accordance with the submitted drawings subject to changes required to the drainage medium and check dams arising from on-site percolation tests. Under no circumstances are the roads to be constructed from any form of impermeable surfacing, and

during the construction process the access road is to be regularly cleaned or better still protected from contamination and the residents of the new development must ensure that the paving and site boundary drain are regularly cleaned in accordance with manufacturers' recommendation.

Reason: to reduce the likelihood of offsite flooding to surrounding properties, during and post construction.

- 11 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) and timetable to be submitted to and approved by the Local Planning Authority in writing. The approved programme of archaeological work will be carried out in accordance with the approved details.

Reason: To ensure appropriate investigation and recording of archaeological heritage assets on the site in advance of development.

- 12 Full contamination condition

- 13 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

- 14 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works, including details of any complaints procedure for local residents

Reason: In the interests of highway safety and the amenities of the area.

- 15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres been provided at the proposed site vehicular access onto Firlie Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 16 Full details shall be submitted to and approved by the Local Planning Authority showing the dimensions and anti-skid surfacing to address the issue of cars slipping/skidding on the approach to the junction.
- 17 Landscaping condition (for remainder of the site apart from the Ecology corridor)
- 18 External Materials to be approved (to include the brickwork set out in this D & A Statement)
- 19 Any excavated materials shall remain on site unless otherwise agreed by the Local Planning Authority and removed from site in accordance with the agreed Construction Management Plan
- 20 Finished Floor Levels
- 21 Refuse and Recycling details to be submitted
- 22 Confirmation to be received in writing prior to the commencement of development that the development will be constructed in accordance with the geotechnical report and further confirmation prior to the occupation of any dwelling that the approved details have been complied with

### **Informatives**

- 01 The applicant will need to contact environmental health for a demolition notice under the Building Act 1984 before commencing any demolition.
- 02 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 03 S278 Works  
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 04 Section 59 of the 1980 Highways Act - Extra-ordinary Traffic  
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

Application Number: AWDM/0479/18

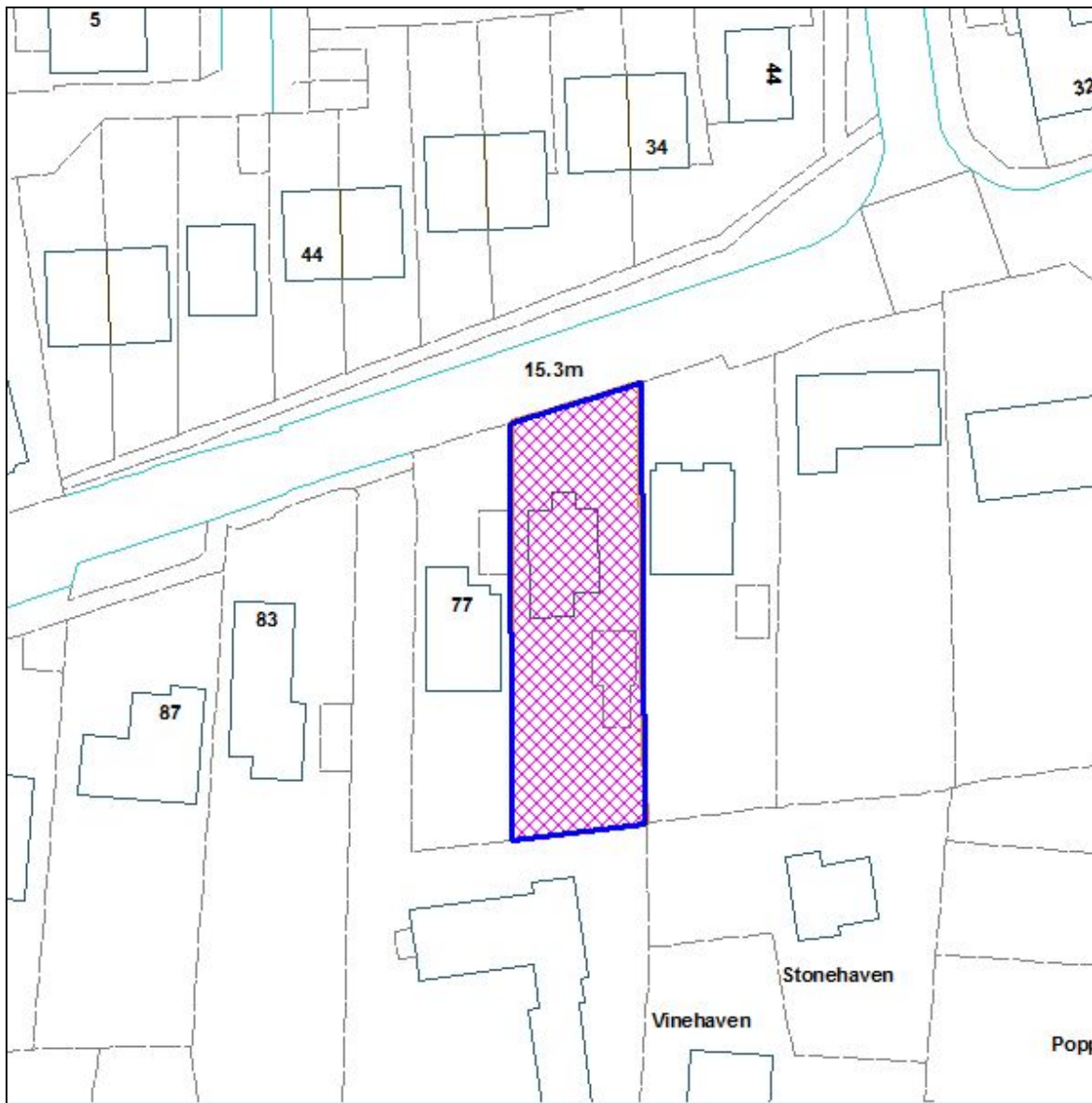
Recommendation – REFUSE

Site: 75 Manor Road, Lancing, West Sussex

Proposal: Demolition of existing detached bungalow and erection of a pair of two storey 3 bedroom semi detached houses with associated landscaping, new wider vehicular access and formation of two parking spaces for each house.

Applicant: Mr Joby Pannel  
Case Officer: Hannah Barker

Ward: Manor



Not to Scale

## Proposal, Site and Surroundings

The application site is on the south side of Manor Road in north Lancing, to the west of the Grade II\* Listed church and within the Conservation Area. This is a residential area with dwellings of various types and ages within the wider area surrounding the site. The application site is occupied by a detached bungalow with hipped roof garage set back to the side, since the time of the site visit the garage has been removed.) Directly either side are bungalows of a similar scale and density, set back from the highway with some vegetation and boundary treatment to the frontage. There is informal off street parking to the property frontage. Directly opposite the site are two storey dwellings on raised ground level which date around 1970. The site is approximately 38.5 metres deep (slightly deeper on eastern side) and 11.7 metres wide.

Consent is sought to demolish the existing bungalow and to construct a pair of semi detached, two storey dwellings. The submitted plans show the bungalow to have two bedrooms, a living room, kitchen and conservatory and porch at ground floor and the roof space is labelled as a bedroom. Excluding the porch and conservatory the building is of gable roof design. The ground level drops to the rear of the site.

The agent's Design and Access Statement describes the replacement dwellings as 'a pair of semi detached cottage style houses built in flint and brickwork with natural slate roofs to compliment the Conservation Area.'.....' The front elevation will be built using brickwork and flint work. The roof would be a shallow pitch roof with natural slate tiles. The proportions of windows are tall and generous and are to be timber frame sliding sash windows.'

The entrances to the dwellings are on the side, three bedroom dwellings are proposed with Kitchen/dining/living space on ground floor with separate living space W.C and utility. There are steps down to the rear of the site and the height of the development reduces to the rear.

The application has been called in for consideration by the Planning Committee by Councillor Carson Albury.

## Consultations

**West Sussex County Council:** No objection, the access, parking and sustainability issues can be supported here. Subject to recommended conditions and informatives relating to the dropped kerb/access, street furniture relocation, parking spaces and cycle parking.

**Adur & Worthing Councils:** The **Private Sector Housing Manager** states that there is no door between the kitchen/living room and the ground floor stairwell effectively rendering the rooms on the first floor 'inner' rooms. The risk can be mitigated by a suitably placed door or fire suppression if preferred.

**Southern Water Services:** No objection subject to condition and details below: -  
No development or new tree planting should be located within 3 metres either side of the external edge of the surface water sewer.

-No new soakaways should be located within 5m of a public sewer.

-All existing infrastructure should be protected during the course of construction works. A formal application for connection to the public sewerage system is required in order to service this development. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

**Design and Conservation Architect: -**

75 Manor Road is a 1920s built, gabled bungalow, within the North Lancing Conservation Area. The hub of this conservation area is based around the historic settlement of North Lancing (Upper Lancing in the nineteenth century) which prior to the construction of the Upper Brighton Road, had been sited along the Chichester to Brighton Road. This historic route through North Lancing follows the line of Manor Road, past the Norman Church, St James The Less.

The North Lancing Conservation Area was last reviewed in 1992, when Adur District Council confirmed the addition of the area west of the junction of Manor Road and Greenoaks.

Bungalows were first erected at 73, 75 and 77 Manor Road, in the 1920s. Subsequently No. 77 was demolished and replaced with the current bungalow in 1977, whilst the bungalow at No.73 was re-clad in a brickwork skin in 1986. The established lower scale along this side of the road was therefore maintained.

The main materials characteristic of the conservation area are clay tiles and thatch, whilst windows are mainly timber or metal casements. However, a few slate roofs and sliding sash windows can be found within this area. Buildings predominantly have simple gables or hipped roofs, although roof pitches are steeper than those proposed.

The main characteristic along Manor Road is buildings set behind various enclosed boundary treatments with single vehicle access points. The opening up of the site with four parking spaces directly off the street will result in a noticeable degrading of the character of this part of the conservation area.

**Lancing Parish Council:** No objection.

**Representations**

4 letters of objection from: the owner occupier of No. 77 Manor Road, owner occupier of no. 38 Manor Road, owner occupier of no. 36 Manor Road and owner occupier of no. 73 Manor Road

- Object on grounds of design

- Privacy light and noise – natural light from bathroom and kitchen will be lost.
- A two storey building will impact upon privacy, currently not overlooked.
- Need to be informed by the planning committee before and decision is made.
- Increased noise due to two families living adjacent.
- Manor Road is a narrow road with cars parking opposite the houses on my side of the road so gaining access for residents is already difficult.
- Increased noise by 4 cars coming and going.
- Over development of existing site best action should be for the existing bungalow to be improved and updated.
- This is the Conservation Area.
- A two storey dwelling within a row of bungalows would look totally out of place and not be in keeping with the character/ambience of the area.
- Increased parking problems at this end of the road.
- Drawing No. 10 puts into context as to what the residents are potentially expected to view. We would challenge anyone to choose between the existing view or the one proposed.
- No concern to this site being redeveloped, the key factor is that it should stay single storey.
- The application falsely states no removal of trees or hedges.
- The design of the houses is not in character with the other properties on the south side of Manor Road. Where other properties have two storeys the windows have been constructed as dormers within the roof. I would request that this design approach is taken to improve the appearance and character of this proposed build and reduce the uneven height of the proposed buildings in relation to the adjacent properties.
- The fence and hedge to front is lost with 4 parking spaces provided, overlooking will occur.
- The parking to the front is out of character other properties have low wall or hedge. Out of keeping.
- The plot is not big enough for 2 houses without impacting greatly on the surrounding properties.
- Impact upon wildlife and birds due to loss of hedges and bushes.

3 letters of support from owner/occupier of 69 Valley Road Sompting, owner/occupier of 13 Fircroft Avenue, Lancing and owner/occupier Former Unit 7 27 Cecil Pashley Way, Shoreham Airport

- Support the building being brought down and new in keeping buildings put up.
- The new generation of Lancing should be old tired buildings brought down and new buildings put up that will incorporate more living space.
- Its good to have some new builds in the local area.
- As a local resident I support this application as the proposal is in keeping with the local Conservation Area.

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

Adur Local Plan 2017: Policy 15, 17, 20, 22



'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';  
West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)  
West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)  
National Planning Policy Framework (March 2012)  
National Planning Practice Guidance  
Technical Housing Standards – nationally described space standard (DCLG 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 Development Plan comprises the adopted Adur Local Plan (2017.) The proposed development would make a minor contribution to meeting housing targets including Objectively Assessed Need under the tests of the National Planning Policy Framework.

New residential development can be supported in principle under Policy 15 of the Adur District Local Plan (2017) which allows for new residential development within the built up area subject to its appearance, character of the site, and the prevailing character of the area in terms of proportion, form, context, massing, siting, layout, density, height, size, scale materials detailed design features and landscaping.

This site as stated above is also located within a Conservation Area. The Grade II\* listed church is sited to the east. In addition to the above The Planning Authority must therefore consider the requirement to preserve and enhance Conservation Areas as required by Policy 17 of the Adur Local Plan.

The relevant considerations here are the impact upon residential amenities of both the existing adjacent residents and the future residents of the new dwellings, the character and appearance of the site and surrounding area and impact upon the Conservation Area, parking and access issues.

## ***Visual Amenity and Impact upon character and appearance of the Conservation Area***

As stated above the existing bungalow at the site sits within a row of bungalows of similar scale and density. It is acknowledged that other dwellings of larger scale, density and including two storey development are within this locality, including directly opposite the site, yet looking at the directly adjacent buildings on the south side of the street the proposed scale of development is considered to be out of keeping, representing over development of the site which is in turn detrimental to the character and appearance of the street scene and which would not preserve or enhance the Conservation Area.

The dwellings are shown at 13 metres in depth and 4.5 metres wide. The current bungalow is 6.8 metres wide and the main part of the building 10.3 metres. The bungalow currently does not maximise the full width of the site with access to the eastern side of the bungalow to the garage. The adjacent bungalows when viewing the location plans show a wider footprint relative to their site width. Therefore it is considered that there may be scope here for redevelopment of the site to include a greater footprint than currently exists provided all other matters are to the satisfaction of the Planning Authority.

The height of the building is to be increased from a ridge height of 6 metres to 6.9 metres. It is not necessarily this height increase alone which is of concern here but the combination of the increased height of the development, plus the increased width and depth of footprint and significant change in character from a (chalet) bungalow to a full two storey pair of semi detached dwellings, which makes the development unacceptable. This development will be significantly more prominent than the existing, established, modest, bungalow within this setting. Due to the position of the bungalows either side the proposed development will sit forward of the bungalow to the west, no. 77. The single, flat roof garage is adjacent to the site. When approaching the site from the east, the side elevation of the building will be clearly visible and prominent within the street scene. The scale and bulk will be visible here with a large mass of brick work visible, emphasising the excessive depth and scale of the building.

The development will also give rise to the entire frontage of the site being cleared of any established planting and means of enclosure. Parking areas exist to property frontages yet these are more informal in layout and less visible from the street. They do not have wide, open frontages. This development will give rise to the full width of the site being hard surfaced with 4 parking spaces across the width of the site. This form of development would not preserve or enhance the Conservation Area and does not respect the existing character here. It will also contribute to the increased prominence of the proposed two storey dwelling and further contribute to the harmful impact.

It is acknowledged that the bungalow as existing does not warrant retention and that with the appropriate scheme redevelopment could be supported here. Some increased scale and footprint may be appropriate however, any new development

would need to respect the low scale, informal nature of this established row of bungalows and their setting with planting, low level boundary treatment, low eaves and reduced scale. The current scheme for the reasons set out above does not achieve this, despite the agent's efforts in relation to design detailing and use of materials. The proposal in terms of its combined scale, bulk, two storey form, design, enlarged footprint and open, hard surfaced frontage represents over development of the site detrimental to the street scene and Conservation Area.

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

Looking at the housing provision in isolation here, the dwellings provided do allow for sufficient living space, both internally and externally. The internal space provision exceeds that required by national space standards. The gardens exceed the required 11 metres in depth at 18.25 metres as shown on the submitted plans. They are also of sufficient area exceeding standard set in Development Management Standard No. 1 which requires 85 metres squared and here 103 and 112 square metres are provided. Such development within the context of another, more appropriate location and setting would provide a positive contribution to housing stock. This provision does not outweigh the harm which would be caused by the development at this site as described above.

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

The visual impact upon the street scene and Conservation Area has been set out above. Occupiers of dwellings adjacent and opposite the site would be impacted due to the visual harm of this inappropriate, over development when viewing the development from inside adjacent dwellings and from garden areas.

Those directly impacted are the bungalows either side of the site, nos. 73 and 77 Manor Road. The existing bungalow is currently set away from the boundary with no. 73 due to the side access to the garage which is set back to the rear of the application site. The new development will result in two storey development 1.2 metres in from the boundary. There are side windows facing onto the application site at no. 73 and a rear conservatory. The proposed development will result in loss of light and an overbearing impact to the adjacent dwelling. It is however acknowledged that the rear first floor is set in and the roof height has been designed to reduce in height to the side. It is however still considered that the scale of development is overly dominant and detrimental to the occupiers of the adjacent property in this case. There may be scope to provide a redevelopment here which is closer to no 73 than existing however this would need to be reduced in scale and would be considered on its own merits.

No. 77 to the west is set back further to the south within the site than the proposed pair of semi detached dwellings. It is acknowledged again as with no. 77 that there will be some loss of privacy, light and overbearing impact due to the scale and proximity of the proposed development. It is considered that the overdevelopment here does not allow for a suitable form of development. The development is detrimental to the amenities of the occupiers of the adjacent dwellings.

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

West Sussex County Council as Highway Authority are satisfied with the proposed access arrangements and parking for the proposed development subject to the recommended safeguarding conditions and informatives set out above.

### **Recommendation**

**REFUSE** for the reason(s):-

The site is within an area designated as a Conservation Area and the proposal, by reason of its excessive scale, height, layout, design and form would be out of character with the scale and form of development adjoining the site and would fail to preserve or enhance the character or appearance of the Conservation Area. The proposal represents overdevelopment and would be detrimental to the visual and residential amenities of the locality therefore conflicting with policies 15 and 17 of the Adur District Local Plan and the relevant paragraphs of the National Planning Policy Framework

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9<sup>th</sup> July 2018

**Application Number: AWDM/0671/18**

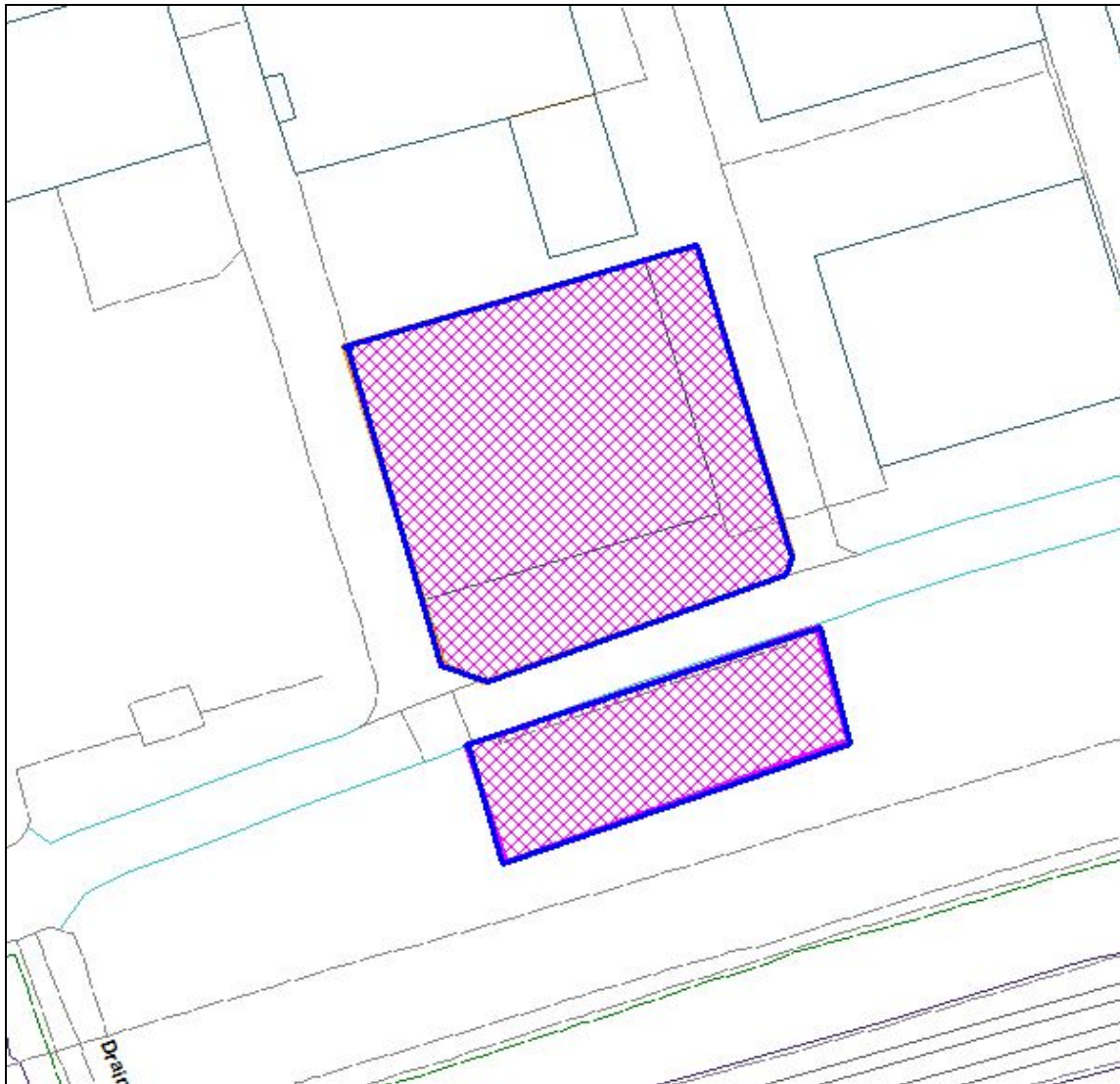
**Recommendation – Approve**

**Site: 25 Cecil Pashley Way, Shoreham (Brighton City) Airport, Lancing**

**Proposal: Change of use of 25 Cecil Pashley Way from a B1(a) office unit (aviation-associated offices) to allow both Aviation and Non-Aviation based B1(a) office use. Minor external alterations to windows on east elevation.**

**Applicant: Mr David Thurgood**  
**Case Officer: Peter Barnett**

**Ward: Mash Barn**



**Not to Scale**

## **Proposal, Site and Surroundings**

The application site consists of an industrial unit at Shoreham Airport. The unit sits towards the western end of the airport, just to the east of the New Salts Farm Road entrance to the Airport which runs underneath the railway line. The unit faces the access road and is not directly facing onto the airfield as there is another line of units immediately to the north. The application site is therefore located within a range of other industrial units, with the nearest residential properties being located to the south on the other side of the railway line.

This application seeks permission to change the use of this building from a B1(a) office unit (aviation-associated offices) to allow both aviation and non-aviation based B1(a) office use.

The application is accompanied by a Planning Statement which provides more information on the proposal. It states:

*“The applicant is seeking to utilise the building as a new Business Centre, allowing new businesses to relocate to the area and providing space for existing businesses seeking to expand.*

*The building would be refurbished to create 21 office suites of varying size ranging from 120 sq ft (1-2 staff) to 1244 sq ft (14 to 20 staff). The centre would be managed by BlueSky Management who plan to employ 1 fulltime and 2-part time staff in addition to contracting local companies for the provision IT support, security and cleaning services.*

*Hours of operation will predominantly be from 8am - 6pm, however the Centre will be open from 7am to 10pm as required.*

*Changes of use within Use Class B1(a) would usually not require planning permission, however previous consents have required the use of the site to be restricted to aviation-related business uses. Following consultation with the Airport and extensive marketing since February 2015 there is no interest from aviation occupiers. The Development Plan supports the future use of the site and wider Shoreham Airport site for employment floorspace provision – without any restriction on the types of businesses occupying this area.”*

The application also proposes minor external alterations with new and enlarged first floor windows proposed for the east elevation.

## **Relevant Planning History**

The unit was constructed in the mid 1990s. Permission was granted in 2006 for the change of use from aircraft hangar/workshop to air traffic-control training premises with alterations including viewing platform/tower above roof, mezzanine floor and additional windows (ADC/0132/06). A condition on the permission restricted the use of the building to air traffic training control purposes only.

AWDM/1508/14 - Variation of condition 2 of approved application ADC/0132/06 to provide English lessons to foreign students on ground floor only and extend all aspects of aviation training – approved

## **Consultations**

**West Sussex County Council:** The **Highway** Officer has no objection. Comments that Cecil Pashley Way is a private road. Consequently, these comments are for advice only. The nearest public highway is at the junction with Saltings Roundabout (A259). These comments are therefore made in respect to any highway safety and capacity impact on the nearby publically maintained road network.

The proposals seek permission for change of use of aviation associated offices to a more general B1A office use. The existing car park opposite the site will be utilised which has capacity for 16 x cars. Under WSCC Supplementary Guidance (adopted November 2003) a B1A office use requires 1 space per 30 sqm. On this basis of 1200 sqm floor space, a maximum of 40 spaces could be provided. The LHA appreciate the shortfall in spaces is an existing scenario that has been operating without evidence of highway safety or capacity concern. Furthermore, the applicant proposes that if the need arises a mini-bus shuttle for staff will be introduced which will further alleviate parking pressures. Any overspill parking is not anticipated to be on the publically maintained highway network.

The change of use to a more generalised office use is not anticipated to detrimentally impact on transport issues over the existing use. The National Planning Policy Framework (NPPF) states that planning applications should only be refused on highways grounds where the cumulative impact of the development is considered 'severe'. The proposals therefore meet with the NPPF and there are no highway safety/ capacity grounds to resist the proposals.

If the LPA are minded to approve the application they may wish to secure a condition for cycle parking for staff to further promote sustainable modes of transport.

**Adur & Worthing Councils:** The **Planning Policy** Officer has no objection. The Adur Local Plan was adopted in December 2017. Policy 7 specifically relates to development at Shoreham Airport. The site in question is located 'non-airside'. It lies adjacent to the road, with another building separating it from the airfield area. Although the adopted policy seeks to retain aviation-related uses as a preference in such non-airside locations, it states that non-aviation related B1/B2/B8 uses will be supported 'where it can be demonstrated that the use will not impact the operational viability of the airport.'

It appears from the supporting material provided, that endeavours have been made to secure aviation-related development, albeit unsuccessfully. In addition, some assessment of the economic impact of the proposals on the operation of the airport has been undertaken.

***Shoreham Airport:*** No objection

***Environment Agency:*** No objections

***Lancing Parish Council:*** No objection

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policy 7, 25

West Sussex Parking Standards and Transport Contributions Methodology (WSSCC 2003)

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***

Policy 7 of the Adur Local Plan states that within the existing developed area located at the southern end of the Airport (as shown on the Policies Map), airside locations will be protected and supported for aviation-related B1, B2 and B8/hangar uses. Non-airside locations will be protected and supported for aviation-related B1, B2 and B8/hangar uses and for non-aviation related B1, B2 and B8 uses where it can be demonstrated that the use will not impact the operational viability of the Airport. Appropriate aviation-related training uses will also be supported. However, training which does not require access to operational facilities will not be supported in airside locations.

The Planning Statement supports the application by stating that more than 80 jobs will be created as a result of this proposal which will also refurbish the building to create a modern facility for small and medium sized enterprises at an estimated cost of £150,000. It goes on to state:



*“The principle of non-aviation B1 use at Shoreham Airport is now supported by the policies of the adopted Adur Local Plan 2017. Policies which prioritised aviation uses and required the imposition of conditions retaining specific uses are now superseded and no longer relevant.”*

The application is supported by an Economic Impact Assessment which states that the unit has been marketed for aviation uses since February 2015, including:

*“• To let boards at the premises;*

*• Marketing particulars issued to 110 potential occupiers; 207 agents across the south-east and several hundred agents nationally via Perfect Property Information;*  
*• The agent’s website - <http://www.gsp.uk.com/industrial.html> and third party websites including*

*Right Move Commercial, EG Propertylink, Zoopla, Prime Location and Move Hut;*

*• Brighton City Airport’s website; and*

*• Advertising through newspapers and journals including The Argus, Property Week, and Worthing Herald; and specialist aviation magazines as part of the overall availability of buildings at Shoreham Airport such as Flyer Magazine, Pilot Magazine, and General Aviation Magazine.”*

The estate agents (Graves Son & Pilcher) have confirmed that there has been no interest in the building from aviation occupiers. The Economic Assessment states that there are a number of positive economic benefits in allowing general B1 use of the building, such as:

*“• Up to £150,000 refurbishment of the building to bring it up to high quality business space standards;*

*• Up to 83 FTE gross new jobs on site, based on standard employment:floor space ratios, assuming 100% occupancy and FTE gross construction jobs;*

*• Up to 50 FTE net new jobs created of which:*

*- 44 direct net new jobs; plus*

*- 6 additional indirect jobs in the wider economy;*

*• Over £0.42m additional local salary spend by employees;*

*• Up to £28,000 in public sector receipts each year from additional business rates contributions;*

*• An annual £0.59m GVA impact to the local economy; and*

*• A £5.92m cumulative GVA economic impact over a 10 year period.”*

In this case, the building is ‘non-airside’, being separated from the airfield by another building. The supporting marketing information is reasonably comprehensive and does support the applicant’s claim that there is no interest in the unit by aviation –related businesses. No objection has been raised by Shoreham Airport and there is no policy objection to the proposal.

It is considered that the variation of the condition to allow aviation and non-aviation related B1 (a) office use is acceptable in principle therefore as there is not considered to be any conflict with the operational viability of the airport or the aims of Policy 7.

### ***Visual amenity***

The proposed alterations to the windows are considered to be minor works which will have an acceptable visual impact.

### ***Parking and Access***

The site is served by a 16 space car park on the opposite side of Cecil Pashley Way. While this is less than required for a 1200sqm B1 floor area the applicants have also advised that:

*“upon opening the centre, it is our intention to assess tenant employee travel requirements with a view to laying on an 8-seater low roof minibus shuttle ideally using the southern route. If it is deemed necessary to put on this service, it would run at either end of the day back and forth from the airport to the train station. Prior to commencement we would consult with the airport management and neighbouring businesses to make sure any proposed shuttle service provided is not disruptive. In addition, we would also take into account transport requirement for other airport businesses to see whether an enhanced service (say a 16-seater using northern route) could also benefit them.”*

Space is also available for secure and covered cycle parking spaces which can be secured by condition. The Highway Authority has no objection to the proposal.

### ***Flood Risk***

The site is within an area of flood risk and a Flood Risk Assessment has been submitted with the application. It concludes that there will be no difference in the vulnerability of users of the building compared with the existing users and the proposal will not therefore increase flood risk.

The Environment Agency has no objection.

### **Recommendation**

**APPROVE** subject to the following conditions:

1. Approved Plans
2. Time limit
3. B1(a) use only
4. Cycle parking

**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.