



**ADUR DISTRICT
COUNCIL**

**Planning Committee
11 February 2019**

**Agenda Item 5
Ward: ALL**

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1742/18 Recommendation – Approve

Site: Cecil Norris House, Ravens Road, Shoreham by Sea

Proposal: Demolition of existing building and construction of new building consisting of 5 x 1-bed flats and 10 x 2-bed flats over 3 levels, with associated parking, cycle and bin storage and landscaping.

2

Application Number: AWDM/0337/18 Recommendation – Refuse

Site: 4 & 6 Old Shoreham Road, Lancing

Proposal: Demolition of fire damaged dwelling and erection of a replacement 5-bedroom dwelling at 4 Old Shoreham Road, retention of existing dwelling at 6 Old Shoreham Road and erection of 2 no. 4-bedroom dwellings. Closure of existing site access from A27 roundabout and creation of a new access road from Old Shoreham access road and associated vehicle parking and landscaping

3

Application Number: AWDM/1695/18 Recommendation – Approve

Site: 85-89 Brighton Road, Shoreham by Sea

Proposal: Construction of flood defence wall, and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following demolition of yacht club (subject of separate application).

4

Application Number: AWDM/1775/18

Recommendation – Approve

**Site: Unit 8, Chartwell Business Centre, 42 Chartwell Road,
Lancing**

**Proposal: Change of use from B1/B2/B8 to D2 Gym and minor internal
changes.**

5

Application Number: AWDM/1465/18

Recommendation – Refuse

Site: 14 Southdown Road, Southwick

**Proposal: Application for consent under Adur Tree Preservation Order
No. 13.53/1/05/SW to fell one Macrocarpa tree (T1).**

Application Number: AWDM/1742/18

Recommendation: APPROVE

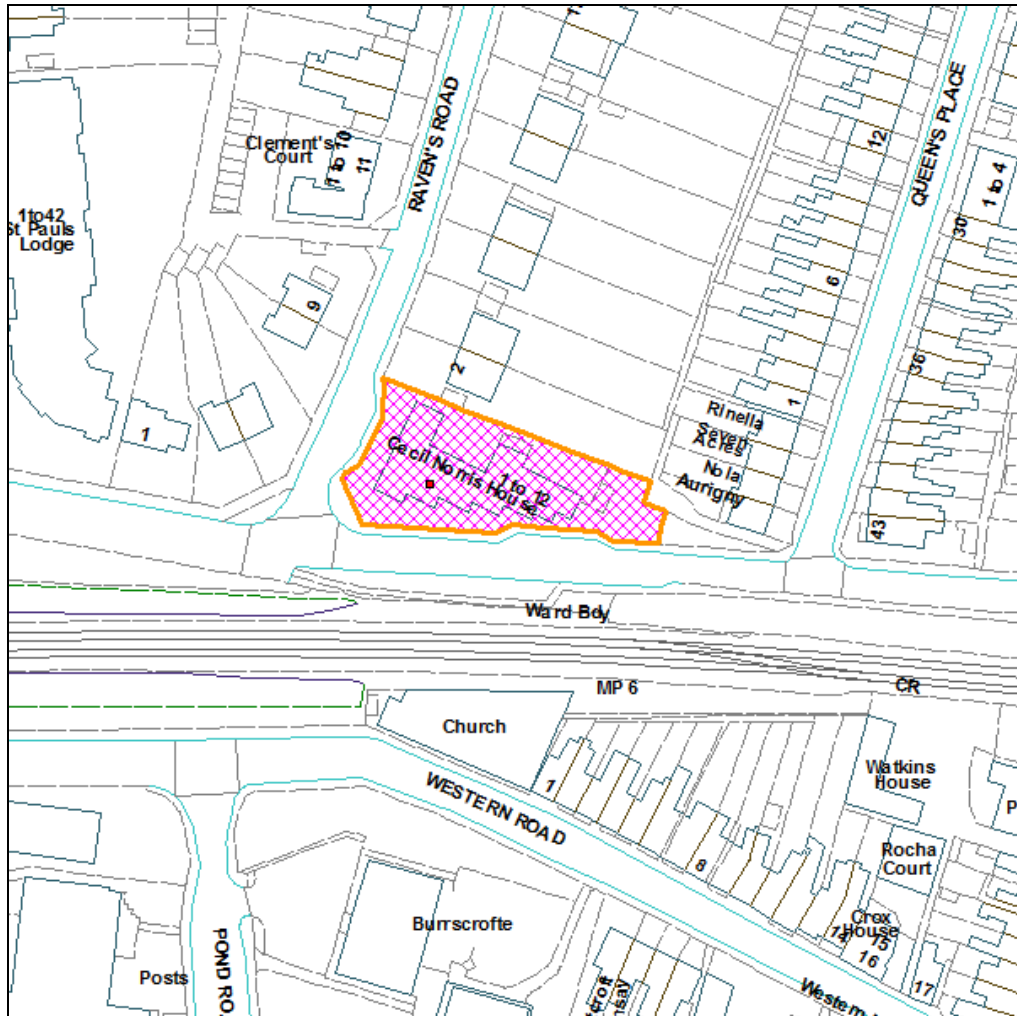
Site: Cecil Norris House, Ravens Road, Shoreham-By-Sea

Proposal: Demolition of existing building and construction of new building consisting of 5 x 1-bed flats and 10 x 2-bed flats over 3 levels, with associated parking, cycle and bin storage and landscaping.

Applicant: Mr Derek Beck, Adur District Council

Ward: St Nicolas

Case Officer: Gary Peck



Not to Scale

Proposal

This application seeks full permission for the demolition of the existing building, Cecil Norris House, and the construction of a replacement building consisting of 5 x 1-bed flats and 10 x 2-bed flats (15 units in total) over 3 levels which would all be affordable housing units. The 15 affordable units are stated to consist of 5 one bedroom flats, 8 two bedroom flats and 2 split level maisonettes with private garden area at the eastern end of the building. This is an increase of 2 units from the current provision on the site.

It is also stated that 'whilst some vegetation will be removed to facilitate the development the new building has been designed around trees of note, particularly the one on the south west corner of the site which will be protected and retained'.

The Planning Statement goes on to say:

The design process that has led to the application scheme has been considerable and set out in full in the Design & Access Statement. The design adopts a modern approach, incorporating green roofs, modern materials that reflect traditional materials nearby, being highly energy efficient and ensuring accessibility for all residents, whether able bodied or not. In addition it proposes two disabled parking spaces.

An initial design was presented to the local community at a public consultation event in September 2018, at this event a number of concerns were raised and the design subsequently amended in response. The main design revisions in response to comments received are:

- Truncated windows to rear elevation to direct views.*
- Windows with an internal cill lower than 1700mm on the north elevation are obscured.*
- Western block moved south 2 metres away from No.2 Ravens.*
- Planting to north elevation reduced to low level hedges.*
- The green wall to the north elevation was extended to increase the proposal's green commitment,*

In addition to the design revisions to the building, a second parking survey was also undertaken in light of concerns raised over the level of on-site parking provision proposed. With regards to parking provision, the proposed development generates a demand for 3 normal car parking spaces but provides 2 disabled spaces. Whilst this is a shortfall of 3, the overnight parking demand survey showed there is on-street parking space for at least 46 cars, or 21 during the day – therefore this is not significant or to the detriment of neighbouring residents. It also provides an appropriate number of [8] cycle spaces.

In respect of design, the Design & Access Statement (DAS) states:

we have combined a modern design and contemporary form with a classic material pallet that reflects the surrounding areas. By using a blend of bricks to create a shift in

colour and shade from red wrapping round to white we were able to add more variety and colour to the design, while the use of a green wall helped to soften the view from the neighbours onto the rear of the proposal. These colours feature both on the existing property and the surrounding areas, to help the proposal fit in more with its neighbours

The proposed materials are described thus:

Proposed walls Red/brown FL brick and a white brick to the rear (north facing) elevations, which is in keeping with the surrounding building materials. Particularly for 3-4 storey buildings of flats such as Longcroft and St Paul's Lodge on Southdown Road and Weppons Estate and the existing Cecil Norris House on Ravens Road.

Proposed windows: Composite timber and metal RAL 9004 (signal black).

Proposed doors: Timber (internal) and composite timber and metal RAL 9004 external.

Proposed Roof Sedum roof: the proposal should be seen as an asset to the townscape. Environmentally, the sedum roof will help promote the urban biodiversity lost by the existing hard stand in poor conditions. Furthermore, the Sedum roof will aid in reducing the impact from surface water run-off.

Proposed Balconies: Balconies are proposed to the south, east and west facing façades for private amenity space and solar gain. These will not detract from the building's exterior and are chiefly set within frames so as to not protrude much passed the building line.

A Daylight, Sunlight and Overshadowing study has also been submitted and is stated to follow the methodology and impact criteria set out by the BRE in its "A Guide to Good Practice Site Layout Planning for Daylight and Sunlight"

Site & Surroundings

It is understood that the existing building was built in the early 1970s as retirement housing and consisted of 12 studio flats and 1 x 2 bedroom flat. There was also a guest room, laundry and lounge. The building has been vacated since the submission of the application and now has hoardings around the site boundary.

The building sits on the corner of Ravens Road and is 2 storeys on its western side before dropping to a single storey on the eastern side along with a small garage and parking area. The building sits at a stagger to the road and is a brick building with white exterior cladding. As the site narrows to the east, there is only a very small eastern boundary. While the surrounding area is mixed in character, the existing building appears to have little in common with it.

The application site itself is outside of the Conservation Area, but immediately borders it on the southern side and eastern sides. Ravens Road itself to the north is not within the Conservation Area, but further to the west, Southdown Road is also within the Conservation Area.

Across the road, to the south of the site, is the railway line and Shoreham-by-Sea train station is about 150 metres to the east of the application site. To the east are terraced properties in Queen's Place. To the west, across Ravens Road, are residential properties, 2 semi-detached pairs and a single dwelling being closest to the application site. Further to the west is St Paul's Lodge, a 3 storey building set back from the road in line with the immediately surrounding pattern of development.

To the north is the property most clearly affected by the proposed development, 2 Ravens Road. This is a 2/3 storey residential dwelling with a large dormer in its roof slope facing south across the site as well as a single storey extension on its southern side partly containing a dining room with rooflights in its roof. The property also has patio doors and a conservatory with windows facing both east along garden and south towards the application site. As the properties in Ravens Road have much longer rear gardens than those in Queen's Place, the rear garden of number 2 runs almost the whole length of the northern boundary of the application site (a very small part is also shared with a property in Queen's Place), and the gardens in the properties beyond to the north are also of an equivalent length.

Relevant Planning History

None relevant to the determination of the application

Consultations

Planning Policy Section

The existing accommodation is owned by Adur Council and the proposal is to redevelop the site and increase the density of the development to provide 15 flats. Policy 21: Affordable Housing of the Adur Local Plan applies and requires 30% of the dwellings to be affordable. The application, submitted on behalf of the Council, states that 100% of the new dwellings will be affordable. This is to be welcomed and there is no policy objection to this proposal.

Adur District Conservation Advisory Group

This property (CN) was built in 1972 comprising 12 studio flats plus one 2 bedroom flat (for guests), providing a communal lounge, garden, laundry & guest facilities & as such provided ideal residence for Adur residents from the age of 60 upwards. It proved to be a resounding success by more importantly, allowing retirees an opportunity to downsize & still remain independent, supported by non-resident part time staff. It is also ideally located within walking distance of the town centre.

The property's design, although modern, settled easily within the neighbouring district, most of which is designated as a conservation area. In addition to which, the majority of C.N. House residents were neither car owners or drivers which was beneficial to the area in view of its location, i.e. its close proximity to Shoreham Railway Station where it has been & always will be, heavily congested with parked cars.

Adur D.C. decided, despite the popularity of C.N. House, to close it down & subsequently replace the building with a block of flats designed to provide affordable housing as per the aforementioned planning application AWDM/1742/18.

The new proposal is of an extremely modern design as can be seen from applicant's drawings. The design itself cannot be challenged apart from on basic fact, it does not in any way lend any synergy to the adjacent properties in the conservation area. It would be more suited in a location where there are properties of a much later design in order that it would blend in more easily.

The number of flats to be provided by the new development is 15 as opposed to the 13 lost by the demolition of C.N.H. This would raise an ethical question such as why homes for the older generation must be sacrificed for another generation. This is not the first occasion that Adur D.C. has followed this route. It would also appear contrary to the Government's latest proposals to encourage independent living of the retired community.

With regard to the new development, it should be noted that there will be three stories, admitted they will be set back so as not to impede on the street scene. However, the shadow cast by the resultant height of the building will impact on the neighbouring properties to the North, particularly on their gardens.

There is also a shortfall of off street parking facilities which will result in an exacerbation of on street parking, particularly in Hebe Road to the South of the development. (see para.2)

The actual design of the new development will not enhance the area. On the contrary, it will dominate not only the design but also the finish (colours), will conflict with the existing housing, bearing in mind this aspect alone is contrary to the ethos of Conservation areas.

Despite the optimism of design & access statement, it should be noted that over 40 residents have submitted written objections to the application, which should be taken into serious consideration by the Planning Committee.

It is appreciated that Adur D.C. is keen to comply with the housing targets set by H.M. Government as can be seen by the number of large developments proposed on the A.259 & elsewhere. However, there is a minimal gain in this instance & a greater sacrifice on the part of the older generation.

The unanimous conclusion of the ADCAG members is to recommend that this application is REFUSED.

Environmental Health

Having considered the acoustic report, I would recommend whole house ventilation with heat recovery be provided for those dwellings that need to keep windows closed to achieve internal noise level requirements. This will do away for the need for acoustic vents in the Southern facade. I would suggest windows remain operable to allow for purge ventilation as recommended in the acoustic report.

Perhaps consideration could be given to powering the continuous mechanical ventilation systems from the communal power supply, which will be offset by the solar panels, so as to keep energy costs for residents to a minimum.

A demolition Notice under the Building Act 1984 will be required prior to demolition and the applicant should contact environmental health for this purpose prior to this work being undertaken.

Southern Water

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

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

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

a Adequate soakaway or infiltration system

b Water course

c Where neither of the above is practicable sewer

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

proposed to connect to a public sewer the prior approval of Southern Water is required.

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".

West Sussex County Council Lead Local Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations and advice.

Flood Risk Summary

| | |
|---|----------|
| Modelled surface water flood risk | Low risk |
| <p>Comments:</p> <p>Current surface water mapping shows the proposed site is at low risk from surface water flooding although there are areas adjacent to the site at higher risk.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>However the surface water management strategy should consider this risk and suitable mitigation measures with any existing surface water flow paths across the site maintained.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p> | |

| | |
|---|----------|
| Modelled ground water flood risk susceptibility | Low risk |
| <p>Comments:</p> <p>The area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p> | |

| | |
|---|----|
| Records of any historic flooding within the site? | No |
| <p>Comments:</p> <p>We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p> | |

| | |
|--|----|
| Ordinary watercourses present? | No |
| <p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses within the proposed development area.</p> | |

Future development - Sustainable Drainage Systems (SuDS)

No FRA or Drainage Strategy has been included with this application. The majority of Section 12 (Assessment of Flood Risk) of the Application Form has been left blank.

In line with Defra's non-statutory technical standards for sustainable drainage systems, for a brownfield site such as this, the peak runoff rate and runoff volume should be as close as reasonably practicable to the Greenfield runoff rate/volume from the development for the same rainfall event. If this is not possible, significant betterment, at least 50% reduction in rate from the peak pre-redevelopment rate, should be achievable.

Please refer to our Policy for the Management of Surface Water https://www.westsussex.gov.uk/media/10391/ws_llfa_policy_for_management_of_surface_water.pdf

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, rain gardens, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

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

Technical Services (initial comment)

Thank you for letting me comment upon this application. I initially asked you to obtain further details for the proposed site drainage – this has now been provided.

The site lies in flood zone 1; it may suffer in the south east corner with surface water flooding but from my investigations has not suffered flooding in the past.

The existing site has no dedicated surface water drainage provision which is common in the Adur area. There is however a foul drain in Raven's Road and a combined sewer in Hebe Road.

The existing buildings are to be demolished to make way for the new build. This new build will increase hard standing in the area and therefore increase surface water runoff.

Once the site is cleared there is no reason why an infiltration test cannot be undertaken – indeed this is alluded to in the Sustainable Drainage Statement:-

Infiltration testing is programmed to be carried out and if testing does prove to be favourable then we would advocate that an infiltration drainage system is pursued in line with the Building Regulations hierarchy and designed in accordance with all relative regulatory standards where applicable.

The report then goes on to say:-

Based on the above, it is concluded that the surface water run-off from the post developed site will be managed using cellular storage wrapped in impermeable geomembrane in the disabled parking bays and a retention of stormwater in the void former of the green roof's layers. Due to space restrictions, the size of the cellular storage units it is limited to the proposed disabled parking bays and will be based on the allowable discharge, which is currently proposed at a 2.0 l/s. The storage provided

in the green roof's layers known as BluRoof system will provide valuable additional drainage capacity. To control the maximum permissible discharge of stormwater restriction devices are included at all the roof outlets where applicable.

This proposal is unacceptable because the plan accompanying the statement clearly shows that the proposal is to connect to the Public Foul Sewer, rather than the Combined Sewer. And the controlled discharge limited to 2l/s only applies to the southern side of the building the northern side discharges via chambers S8 – S1 unrestricted. Which means the peak flow from the site will be well in excess of 2l/s. There is no agreement to this volume of discharge from Southern Water. Indeed there is no acceptance by Southern Water to take any site flows

Connection to either sewer must be approved by SWS.

Therefore I **object** to this application.

Once the following information is provided I will reconsider my objection

- 1) Confirmation of infiltration rate derived from onsite tests.
- 2) Letter approving connection and volume discharge rate to the sewer be it Foul or Combined – this assumes infiltration is not an option for all surface water disposal

The applicant responded to this objection with the following additional information

Existing conditions

The site currently discharges foul and surface water via a 100mm diameter lateral connection to the Southern Water public sewer located the west of Cecil Norris House in Ravens Road. This sewer is shown on Southern Water's sewer record as a foul sewer, however, the details submitted previously by Scott White & Hookins (SWH) show that both foul water and surface water discharge to this sewer via the private on-site combined drainage system.

The sewer record indicates that a combined sewer pressurised rising main is located under the highway to the south of the site. There are no surface water sewers shown in the vicinity of Cecil Norris House.

The existing peak flow rate to the public sewer is limited by the pipe diameter, gradient and internal pipe roughness. SWH's information shows that the lateral connection to the public sewer is 100mm diameter and, although the pipe gradient is not known, construction practices would allow a minimum gradient of 1 in 100 to ensure adequate velocity is maintained. Using published pipe flow tables, with a roughness coefficient of 0.15 for foul water flow, the existing peak flow has been calculated at 7.03 litres/second.

This incorporates foul and surface water flows from the existing residential units. Sewers for Adoption suggests a peak foul water flow rate based on 4,000 litres per residential unit per day. For the existing 13 units at the site, this equates to a peak foul water flow rate of 0.60 litres/second.

Surface geology at the site is shown on the British Geological Survey (BGS) online mapping resource as being deposits of Head – Clay, Silt, Sand and Gravel. The BGS website also indicates locations of available borehole information and there is a log shown immediately south of Cecil Norris House. This log (from 1991) confirms Head deposits of stiff to firm Clay to a depth of 6.25m below ground level where the borehole was terminated.

Proposed drainage strategy

Sustainable Drainage (SuDS) proposals have been considered in line with the Building Regulations Part H3 which requires rainwater to discharge to the following listed in order of priority;

- a) An adequate soakaway or other infiltration system; or, where that is not reasonably practicable,
- b) A watercourse; or, where that is not reasonably practicable,
- c) A sewer.

The geological conditions underlying the Cecil Norris House site do not appear favourable to the installation of soakaways or infiltration SuDS techniques. The presence of combined sewers in the wider area of this part of Shoreham-By-Sea and the use of an existing combined drainage system at the site indicate that infiltration SuDS are not used to manage surface water runoff locally. Furthermore, Building Regulations require soakaways to be placed a minimum of 5m away from buildings. The existing building footprint would prevent the use of soakaways as there is not a 5m margin between the building line and the property boundary.

With the new building proposed to occupy a similar footprint to the existing block, the use of soakaways would also be precluded due to the 5m minimum distance requirement.

Given the site geology and the form of the proposed development, the use of infiltration SuDS as in a), above, is not considered reasonably practicable for the development

There are no watercourses close to the Cecil Norris House site that would offer a reasonably practicable discharge point for surface water from the proposed development, therefore method b) above is not considered feasible.

Using the hierarchy of rainwater disposal as above, a discharge to the public sewer, as c), is considered the remaining option for surface water management for the proposed development. A connection to a rising main cannot be made and therefore

the existing connection to the public sewer, indicated as a foul sewer on the sewer record, is proposed to be re-used.

Any discharge to the public sewer will need to be approved by Southern Water and the sewerage undertaker will accept surface water flows to the sewer if it can be demonstrated that reduction of the existing flow rate can be achieved and that there are no other feasible alternative options to surface water disposal. Southern Water will only process a Section 106 sewer connection application once planning consent is approved and this connection application cannot be made at the current time.

To provide a reduction in flow to the public sewer, an attenuation SuDS scheme is proposed with surface water discharge limited to 2 litres/second. This rate is considered the minimum flow at which a self-cleansing velocity can be maintained and is shown to be 5.03 litres/second less than the existing peak flow rate from the site (28% of the existing flow rate).

To achieve this flow reduction, a shallow attenuation tank is proposed to be located in the communal rear open space of the development, as shown on the attached drainage layout drawing, with the outflow to the downstream sewer restricted through the installation of a Hydrobrake flow limiting device. This attenuation tank has been sized to accommodate all storms up to the 1 in 100 year event with an additional 40% rainfall intensity allowance to account for the effects of climate change for the lifetime of the development. This is in line with the parameters set out in the non-statutory technical standards for SuDS.

As can be seen, the drainage proposals are for a separate drainage system for foul and surface water which combine downstream of the Hydrobrake chamber at the last manhole on site before connecting to the public sewer in Ravens Road via a new manhole. The peak rate of foul water discharge to the public sewer from the proposed 15 residential units has been calculated at 0.69 litres/second, an increase of 0.09 litres/second.

MicroDrainage calculations have also been provided in the attached information to demonstrate the capabilities of the proposed system to limit the surface water runoff flow rate from the whole of the proposed impermeable area of the development to the sewer.

I hope that this additional detail and clarification of the proposed drainage strategy shows that surface water runoff can be managed sustainably for the design lifetime of the Cecil Norris House development and provides you with sufficient detail to review the current objection.

Technical Services (further comment)

I can confirm that the foregoing is exactly the information I require and therefore I withdraw my objection

West Sussex County Council Highways

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been consulted on proposals for demolition of existing building and construction of new building comprising 5 x 1-bedroom and 10 x 2-bedroom flats (social housing) with associated car and bicycle parking.

Ravens Road is unclassified public highway subject to a 30 mph speed restriction. The site is located on a junction corner and there are comprehensive double yellow line road markings on the nearby road network. There is limited on-street parking on the southern side of the carriageway and a layby on the north side of the carriageway, directly west of the existing vehicle crossover (VCO).

The application is supported by technical drawings, Design & Access Statement (DaS) and Transport Statement (TS). The LHA does not wish to raise transport grounds to resist the application subject to comments and conditions below.

Access

Vehicular access to the development will remain as per the existing VCO. Whilst the application form states that access to the public highway will be altered an inspection of the proposed plans and local mapping reveals that no alterations to the existing VCO would be required to access the 2 x disabled parking bays. I note that the Site Plan indicates areas of landscaping either side of the parking spaces. Obstructions to visibility within these areas should be kept to a height of no more than 0.6m, 2 metres back into the site, to allow for visibility of pedestrians on the adjacent footway. Details of pedestrian visibility splays can be secured via condition.

Whilst there is no turn on site available, space as existing appears restrictive for this. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents in the vicinity of the site access. There is no evidence to suggest that the access or existing parking arrangements are operating unsafely. Whilst on-street parking in the layby is immediately adjacent, Manual for Streets 2 (MfS2) paragraph 10.7.1 states that *Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice...in some circumstances, where speeds are low, some encroachment may be acceptable.* Furthermore the presence of on-street parking and residential nature of the nearby road network means that slow speeds are anticipated along Ravens Road.

Parking

The TS refers to 3 x unallocated spaces being provided for the development however the plans indicate that 2 x disabled spaces only will be provided. Parking provision has therefore been assessed on the basis of no allocated spaces being provided for the development.

The disabled parking bays are only 4.8m in length and 3.3m wide. Department for Transport's *Inclusive Mobility* sets out that off-street parking bays perpendicular to the

access aisle should include 1.2m extra space to the rear for access and extra 1.2m *either side* of the bay. The bays should be amended; details of this can be secured via condition.

The TS states that the shortfall in parking provision is three spaces, however on the basis of no allocated spaces being provided the WSCC Car Parking Demand Calculator (PDC) estimates a demand for six spaces for a development of this scale and location. A Car Parking Capacity survey has therefore been undertaken to assess whether the shortfall in parking at the development site would cause an issue to additional on-street parking in the vicinity. Roads within at least 200 metres from proposed development were included to survey parking availability between 2 am and 5 am on a weekday morning, when most residential demand would be expected. This found that the closest roads (Ravens Road and Queens Place) had a spare capacity of 46 spaces, a parking stress of only 34%. Additional parking surveys were also undertaken 0700-0900 and 1700-1900 on a weekday for peak commuter parking demand in vicinity of Shoreham Station. This found that 21-29 spaces were available on the closest roads. The LHA therefore do not raise a concern from a highway safety perspective in the shortfall of six spaces.

Refuse collection and emergency access will be via roadside as per existing arrangements. Refuse vehicles can reach within 25m of collection point as per MfS paragraph 6.8.9 and a Fire Appliance can reach within 45m of all points of the proposed building.

Capacity

A Trip Rate Information Computer Systems (TRICs) database assessment was undertaken on the trips anticipated with the previous use and any increase proposed with the new development. The existing housing with 13 x 2-bedroom retirement flats could see 25 daily 2-way movements with 1 movement in the AM and PM peak respectively. The proposed development could see 28 daily 2-way movements with 2 in the AM and 3 in PM peak. The impact to vehicle trips is therefore not considered 'severe'. Also considering less parking is proposed and the sustainable location of the site, the development is inviting to residents without cars who may utilise nearby public transport.

Accessibility

WSCC bicycle parking standards state that in a communal facility the flats should have 0.5 spaces each. Eight spaces will therefore be provided. Considering the sustainable location and restricted car parking the applicant may wish to provide one space per flat. Details of this can be secured via condition. The local road network is conducive to walking and cycling with street lit low speed carriageway and footway and a number of retail, services and amenities in Shoreham, within walking distance.

Shoreham Train Station is approximately 2 minute walk distant with various regular services to Brighton, Worthing and London Stations. The closest bus services are also from Shoreham Train Station with regular services to various villages and towns. The LHA are satisfied that not all daily trips would be required to be by private car and thus

the proposals meet with paragraph 108 of the National Planning Policy Framework (NPPF) in that opportunity to promote sustainable transport can be made.

Construction Phase

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 Ravens Road. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along Ravens Road in light of the carriageway width and presence of other vulnerable road users.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations

42 objections have been received: 12 from addresses in Ravens Road, 1 in Queens Place, 11 from other addresses in Shoreham, 6 in Hove, 4 in Lancing, 4 in Southwick, 1 each from Upper Beeding, Brighton, London and Bristol.

The objections are made on the following grounds:

- a 3 storey building will reach the roofline of neighbouring properties
- solid block with a flat roof will be out of keeping with the nearby Conservation Area
- inadequate parking provision
- West Sussex County Council Transport Plan states that parking problems often occur near railway stations
- overdevelopment of the site
- green wall/sedum roof would not be adequately maintained and threatened by seagulls
- a 2 storey development would be more appropriate
- inadequate external space around the building conflicts with policy 22 of the Local Plan
- the lighting survey is inadequate as ground floor conservatory and windows on the neighbouring property were not taken into account and were inadequately described as a lean to
- loss of light to the neighbouring property would occur 9 months per year
- overbearing development to neighbouring properties
- the site coverage is excessive compared to surrounding developments
- other brownfield sites are more appropriate for a development such as this
- a private application would not be approved as it conflicts with planning policies

- the proposed materials are not in keeping with the surrounding area
- loss of historic view to the centre of Shoreham including the Church
- like other new developments in Shoreham, this proposal lacks sensitivity
- existing building does not result in overlooking as only corridors face neighbouring properties
- would be taller than the Shoreham Centre
- the site has been previously rejected from the SHLAA as would not result in a net increase in dwellings
- loss of trees
- the traffic survey is misleading
- adverse impact upon the Conservation Area

Following the submission of further lighting information from the applicant, a further objection was received from the occupiers of Ravens Road on the grounds that the fenestration in the eastern elevation of the property had still been ignored and that the survey states that the rear part of the property is not the main living space which is incorrect. The term lean to used by the developer is an incorrect and misleading term when used to describe a house extension. The strong objection to the negative impact upon the property remains.

1 letter of support has been received stating that it is hoped that the building will provide adequate disability access

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Relevant policies include 1, 2, 3, 11, 15, 17, 18, 20, 21, 22, 28 & 30 & 34.

Development Control Standards – Space Around New Dwellings and Flats

National Planning Policy Framework (CLG 2018)

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

Although a high number of objections have been received in respect of the application, very few specifically oppose the principle of development. Member will be aware, as set out in the Local Plan, that there is a shortfall in housing in the District and a pressing necessity to provide affordable housing. It has been evident in recent months that the private housing schemes that are presented to the Committee for consideration often fail to achieve the amount of affordable housing required by the Local Plan primarily for viability reasons, and accordingly the provision of a fully affordable housing scheme is considered quite clearly acceptable in principle. The National Planning Policy Framework seeks to ensure that a *sufficient number and range of homes can be provided to meet the needs of present and future generations* an objective which this application can potentially help achieve.

Furthermore, the existing building, Cecil Norris House, is over 40 years old and hence no longer provides facilities expected in current times. Upgrading the building would no doubt prove uneconomic but, in any case, and leaving aside the specific details of the current application for the moment, the existing building in visual terms with its flat roofs and use of cladding, does not reflect the character of the surrounding area. It is also felt, therefore, that there can be no objection to the principle of removing the building and its replacement with a more modern facility.

In location terms, the application site is close to the centre of Shoreham and therefore in walking distance of its facilities, as well as being within 200 metres of the railway station and bus routes. The site is therefore sustainably located and the provision of additional housing again can be supported as a matter of principle. Members are reminded that the NPPF retains its presumption in favour of sustainable development.

The location of the site leads to consideration of the first issue of major concern among those who have made representations to the plan regarding the lack of parking provision on the site.

The submitted plans show the provision of 2 disabled parking spaces on the site and the County Council has confirmed that the development would require the provision of 6 parking spaces and accordingly there is a shortfall in the parking provision proposed. It is quite evident from daytime visits to the application site and its environs that there is often parking pressure in the locality because of the proximity to the railway station and the ability for commuters to park close by. The narrow nature of Queen's Place to the west adds to this parking pressure.

However, it must be remembered that government advice as contained in the NPPF is quite clear. Paragraph 103 requires that there a genuine choice of transport modes which would be the case in respect of this proposal. The NPPF further states that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location which would again be the case in this application. Paragraph 110 goes on to say that applications for development should give priority

first to pedestrian and cycle movements, and, so far as possible, to facilitate access to high quality public transport.

At paragraph 109, the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. The County Council as Highways Authority has concluded that the impacts of the development would not be 'severe' and in light of that finding and the clear government guidance contained within the NPPF, your officers, while recognizing the understandable concerns of local residents and others in respect of highways and parking matters, conclude that there is no justifiable reason to resist the development on highways grounds especially when assessed against the matters of principle outlined earlier.

Chapter 11 of the NPPF is entitled 'Making effective use of land' and paragraph 117 states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes'*. At paragraph 119, it further states *Local planning authorities...should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including...held in public ownership, using the full range of powers available to them'*. These paragraphs suggest therefore, and particularly against the background of the location of the development, that a more intensive use of the site would be in line with government guidance. The NPPF then indeed goes on to deal with 'achieving appropriate densities' at paragraphs 122 and 123:

Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...

...local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)

A number of residents have raised concerns regarding the scale of the development, albeit some of these comments are made in the context of the parking provision considered above. Your officers do feel that it is a matter of fact that the existing building is lower than those immediately around it because of its flat roofed nature. The southern facing dormer of number 2 Ravens Road is quite clearly visible above the subject building for example and is effectively a 3 storey building at that point. Although a number of other buildings in the vicinity are 2 storeys, these mainly contain pitched roofs and are therefore higher than the subject building, whilst just to the west is St Paul's Lodge a far more substantial 3 storey building although with limited impact upon the street scene.

Your Officers, therefore, consider that the principle of making a more effective use of the site, for an identified housing need, is fully in line with government guidance.

In design terms, the character of the surrounding area is somewhat mixed and the corner nature of the site sitting between the far more dense Queen's Place to the east and the greater spacings of Ravens Road to the north and Southdown Road to the west is considered to give some freedom to the proposed design of the building. It is not considered that there is any objection to a more modern and contemporary design and, as stated in the Design and Access Statement, the proposed use of a blend of bricks as well as the use of a green wall will allow the development in design terms to assimilate successfully into its surrounds.

The building will step down from 3 storeys at the western end to a single storey at the eastern end, a quite natural transition given the western end of the site sits on a corner in a much wider part of the plot before it considerably narrows to the east. It is not considered that the building will be out of scale with the wider or immediate character of the area and provided that appropriate materials are used, which can be controlled by condition, then your Officers consider that the proposal will enhance the visual character of the area.

The remaining issue is therefore the impact of the development upon the amenities of surrounding properties. Having assessed the application, it is considered that the main issue in the determination of the application, having considered the points above, is the impact of the proposal upon 2 Ravens Road which is the property located immediately to the north.

Number 2 Ravens Road is part of a pair of dwellings on the eastern side of Ravens Road and was originally a 2 storey property which has extended into the roofspace including the incorporation of a large dormer which sits on its southern roofslope so facing the application site. There is also a single storey extension on the southern side of the property, which was built in 2016 and has fooflights in its sloping roof which partly serve an open plan dining room. There is also a conservatory to the rear which was granted permission in 2005.

At present, the existing Cecil Norris House has little impact upon number 2 primarily because of its flat roofed nature although in terms of outlook the existing building

cannot be described as attractive with the top of the flat roofs clearly visible from the dormer window. The comparatively low level nature of the existing building means that it does impinge on the outlook from the dormer window at all which therefore allows a view to the south where, for example, St Mary's Church can be seen. Similarly, when viewed from the eastern facing patio doors (also part of the 2016 extension), the existing building has little impact as it drops to single storey towards the eastern extent of the site. The aforementioned conservatory has windows in its eastern and southern sides and again the existing building has little impact when viewed through the eastern windows, but is clearly visible from the southern windows.

It is clear, therefore, that the proposal will have impact upon this property and the extent of that impact has to be assessed carefully. As mentioned earlier, number 2 is higher than Cecil Norris House and there is a clear functional reason for replacing the building in terms of providing affordable housing and a clear potential for visual improvement given that the building does not reflect the character of the surrounding area. It would be unrealistic, therefore, to expect that the replacement of the building will not result in an increase in either height or scale, particularly when assessed against the government requirement to provide new homes in sustainable locations while making the most efficient use of land.

The representation from the neighbour and indeed a number of others who have made similar points, firstly quote quite extensively from Local Plan policy and the Council's Supplementary Design Guidance regarding Space Around New Developments and Flats. It is contended by the objector's that the application fails against the Council's own policies.

In terms of the Adur Local Plan, it should be remembered at the outset that the introduction to the Plan identifies a number of key issues. These include at number 4:

The need to meet identified housing needs - Adur needs to address a range of housing requirements including the projected increase in smaller households, more family housing and affordable housing.

The scheme, as mentioned above, would clearly meet this objective although the footnote to key issue 3 does impress the need to:

...strike a balance between facilitating development, achieving regeneration and delivering infrastructure, whilst maintaining built and natural environmental quality, 'sense of place' and the character of Adur.

This means that there is a balance to be struck as anticipated at paragraph 2.6 which is the section that deals with the Spatial Strategy of the Plan:

Given the limited amount of land available, it is important that developments make efficient use of land by developing at appropriate densities whilst respecting the character of the area (although higher densities may be appropriate in town centre locations...)

Policy 22 deals with density specifically and states:

New residential developments should achieve densities of a minimum of 35 dwellings per hectare. Development in the defined town/village centres...will be expected to achieve higher densities...

A consideration of density having regard to the above policy is of limited value given that at 13 units, the existing density of the site already considerably exceeds the above policy requirement (the site measurement on the application form is given as 1138 square metres which is the equivalent to 0.11 hectares). Using the given measurements, the existing site density is around 91 to the hectare and an increase of an additional 2 units would increase this to around 130 per hectare. A refusal of the application against policy 22 would therefore be difficult to resist given the existing quantum of development on the site. Indeed, in the Council's Supplementary Planning Guidance it is stated '*The use of density as a criteria for controlling developments is considered to be very crude and will not in itself ensure a good quality of residential environment. It is considered that generally the specific requirements of a site will usually determine the acceptable density*'.

The SPD does, though, go on to give guidance pertinent to the consideration of the application and policy 22 does require new development to comply with the criteria set down within it. This includes:

Residential developments, in order to prevent over-developed layouts, should not have an excessive overall site coverage of buildings

While the above point has been raised in objection, your Officers feel that site coverage per se would not be a justifiable reason to resist the development given that the existing building already covers a fair proportion of the site and because of its angle to the road when viewed from the east in particular, the existing siting is not considered to be that best ensures an attractive frontage to the south of the site. The new scheme would provide an opportunity to improve this frontage and added to the ability to impose a landscaping condition to soften the frontage, as well as the western part of the site still further, means that in visual terms an improvement is likely to result.

Privacy distances have also been cited in some of the representations but those standards deal with facing windows and there are no direct face to face windows contained within the proposal. Of the windows which do face north, therefore across the gardens of residential properties the scheme proposes truncated windows to the rear elevation which has the effect of directing views away from facing windows while those with an internal cill lower than 1700mm on the north elevation are obscured which is considered acceptable.

The guidance also requires that buildings are generally set back 1 metre from the boundary, although on a corner plot and in the case of flats, a gap of at least 2 metres

is required. Clearly, the latter applies in this instance and, as stated in the supporting information, a gap of at least 2 metres to the boundary is provided which would represent an improvement compared to the existing gap to the boundary, albeit that the closest elements at present are single storey

The remaining part of the guidance which is relevant states:

In infill and redevelopment schemes new buildings should...ensure the retention of adequate privacy for and daylight to existing dwellings/flats.

A Daylight Report was submitted with the application which states:

The daylight, sunlight and overshadowing study to evaluate any impact of the proposed Cecil Norris House development on the neighbouring dwellings has been undertaken.

The study has demonstrated that the development will not noticeably impact any of the neighbouring windows facing the development. The overshadowing study has shown there will be a minor increase in overshadowing during late afternoon to 2 Ravens Road but that the garden shall still achieve direct sunlight to more than half of the garden for 7 hours a day on 21st March. The other adjacent gardens will not experience any change in overshadowing to their gardens.

As is normal with applications where considerations of daylight, sunlight and overshadowing are of importance, the study was undertaken in accordance with the Building Research Establishment's (BRE) Guide to Site Layout Planning for Daylight and Sunlight (while in the past guidance was provided by the Department of the Environment, this is no longer the case and it is normal for applicants to refer to guidance provided by organisations such as the BRE).

A key method of calculating daylight is Vertical Sky Component (VSC). This refers to a ratio which is the percentage of the total unobstructed view that is available, once obstructions, in the form of buildings are placed in front of the point of view. If one had a totally unobstructed view of the sky, looking in a single direction, then just under 40% of the complete hemisphere would be visible. The guidance goes on to state that if, following a new development, an existing window has VSC greater than 27% it should still receive sufficient light.

The submitted study assessed the VSC not only against 2 Ravens Road but also properties to the east in Queen's Place, namely Aurigny, Nola, Seven Acres and Rinella. The existing VSC in these properties is close to the 40% achieved by an unobstructed view, as may be expected given the low lying nature of the original building. The assessment found that the VSC would be reduced, quite marginally in the cases of the properties in Queen's Place, the lowest remaining value being 37.45 in the case of Seven Acres, still well above the threshold of 27% outlined above.

As may be expected, the effect upon 2 Ravens Road was greatest, primarily to the first floor side windows which would be reduced from 37.55 to 30.7% in the most extreme instance but still above the 27% threshold. This demonstrates that there would be an impact upon 2 Ravens Road, but not to the extent that would warrant a refusal of planning permission. Indeed, it could be said the seemingly high figure enjoyed at present is because the first floor windows of 2 Ravens Road broadly are level to the existing building while the second floor window, as previously mentioned, looks over the top of the building.

In terms of sunlight, measurements are taken in a similar manner to VSC via the Annual Probable Sunlight Hours (APSH). This states that where there are no obstructions to a window, the annual probable sunlight hours are 1486. A distinction is made between summer and winter and it is considered that if a main living room window can receive 25% of annual probable sunlight hours, including at least 5% in winter then it can be considered as adequately sunlit. A development may also be considered to have a harmful impact if a living room window receives less than 80% of its former sunlit hours. The assessment in this respect stated that as all of the affected windows are side or rear windows they are not considered as main living room windows and accordingly there was no reason to make an APSH assessment.

Finally, in terms of overshadowing, it is suggested by the BRE that, for open spaces to appear adequately sunlit throughout the year, *no more than two-fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive some sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.*

The assessment concluded that there would be no change to overshadowing in the gardens of the properties in Queen's Place and that currently the garden of 2 Ravens Road receives sunlight for more than half the garden for 8 hours a day. This is stated to reduce by 1 Hour as a result of the development, hence complying with the BRE guidance.

In their objections, the occupiers of 2 Ravens Road stated that the survey was inaccurate as the ground floor south and east elevations had been ignored in the survey and that the results were far more extreme than was anticipated in the submitted survey.

The consultant appointed by the applicant to undertake the study responded:

The BRE guidance requires overshadowing studies to be undertaken of gardens only. The shadows on walls are taken account as part of an annual probable sunlight hours calculation i.e. the number of hours in the year that a window will receive sunlight. The BRE guidance requires this study to be undertaken on living room windows only. The drawings submitted by 2 Ravens Road for the side extension in 2016 (appended to

this letter) confirm the main living room is located at the front of the property facing onto Ravens Road.

The windows on the south and east elevations have not been ignored...as these have been assessed as part of the daylight (VSC) assessment. This is the correct method of assessment for daylight impact on windows. This assessment should assess windows to occupied rooms. On the south elevation the only window serves a utility room, as noted on the proposed plan & elevations drawing for the side extension at 2 Ravens Road, submitted to the local planning authority. Therefore, only the large glazed patio door has been assessed to determine any daylight impact.

A sunlight assessment has not been undertaken on the patio door as this is not a main living room, as indicated on the side extension drawing and confirmed by the photo provided by the planning officer showing a dining area.

The study has not included the conservatory as it is not classed as a habitable room by Building Control. Furthermore, it is fully glazed on the south and east elevations so any change in daylight from the south would not be noticeable. Again, the overshadowing study would not include this area.

A further objection from the occupiers of 2 Ravens Road was received in response to the additional information. This particularly stressed that the area to the rear of the property was used as a living room following the addition of the single storey extension of 2016 which now incorporates a dining room leading through to an open living area.

As a result of the further objection, a further study was submitted by the applicant's consultant which stated:

Due to the concerns of the resident at 2 Ravens Road, further studies have been undertaken to address all of the comments made by Mr McBride in his objection letter dated 16th January 2019. These include:

- Daylight (VSC) analysis of access door with glazed panel to dining area – doors not usually assessed, particularly given the room has a large patio door & 2 rooflights*
- Daylight (VSC) analysis of conservatory windows – conservatory is not a habitable room*
- Sunlight (APSH) analysis of patio doors to dining area and windows of conservatory – only main living room window is usually assessed.*

The further survey did reveal that the southern elevation of the conservatory, currently receiving a VSC of 28.6% would be reduced to 23.4% and hence a breach of the BRE guidelines in terms of the 27% limit, albeit the other measurement requiring the revised VSC to be at least 80% of the previous VSC would still be met. However, the 3 eastern windows serving the conservatory would remain between 35.7 and 37.1% in compliance with the guidelines.

The further assessment also considered the concerns regarding the impact on the rooms used as main living rooms which would receive light from the dining room and conservatory area and APSH study was undertaken. This concluded that the relevant windows would receive between 31 and 50% of the sunlight hours in summer and between 6 and 18% in winter which would meet the BRE guidance of between 25% and 5% for summer and winter respectively.

In terms of technical guidance, therefore, your Officers are satisfied that the submitted studies demonstrate that the relevant tests are met. This is not to state that the development will not have some impact upon the neighbouring property and as such an assessment against BRE guidance is not mandatory, i.e. it is not an instrument of planning policy as such, and hence it is up to the planning authority concerned as to how flexibly or otherwise they assess this guidance.

Paragraph 123 of the NPPF does provide some further guidance as it states:

In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site

The above could be interpreted as suggesting, therefore, that a more rigid interpretation of the daylight and sunlight standards, especially where technical guidance is met, should not be used as a mechanism to reduce the scale of the proposal. Given the opportunity to provide a 100% affordable housing scheme, which is an acknowledged strategic aim of the Council, therefore, your officers can only conclude that having regard to national and local planning policies, there are no reasons to resist the proposal and accordingly it is recommended that planning permission is granted.

Recommendation

To GRANT planning permission

Subject to Conditions:-

- 01 Approved Plans
- 02 Full Permission
- 03 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.
Reason: To provide car-parking space for the use.
- 04 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
- 05 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),
 - details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area.
- 06 No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed car parking spaces in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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.
- 07 Drainage details as per e-mail dated 24 January from Andrew Keen, HOP Consulting Civil and Structural Engineers
- 08 The development hereby permitted shall provide 100% affordable housing in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it.
- 09 Approval of Materials
- 10 Landscaping
- 11 No additional windows, northern elevation
- 12 Windows with an internal cill lower than 1700mm on the north elevation are obscured
- 13 Maintenance regime for green wall and sedum roof to be agreed
- 14 Hours of Construction

Application Number: AWDM/0337/18

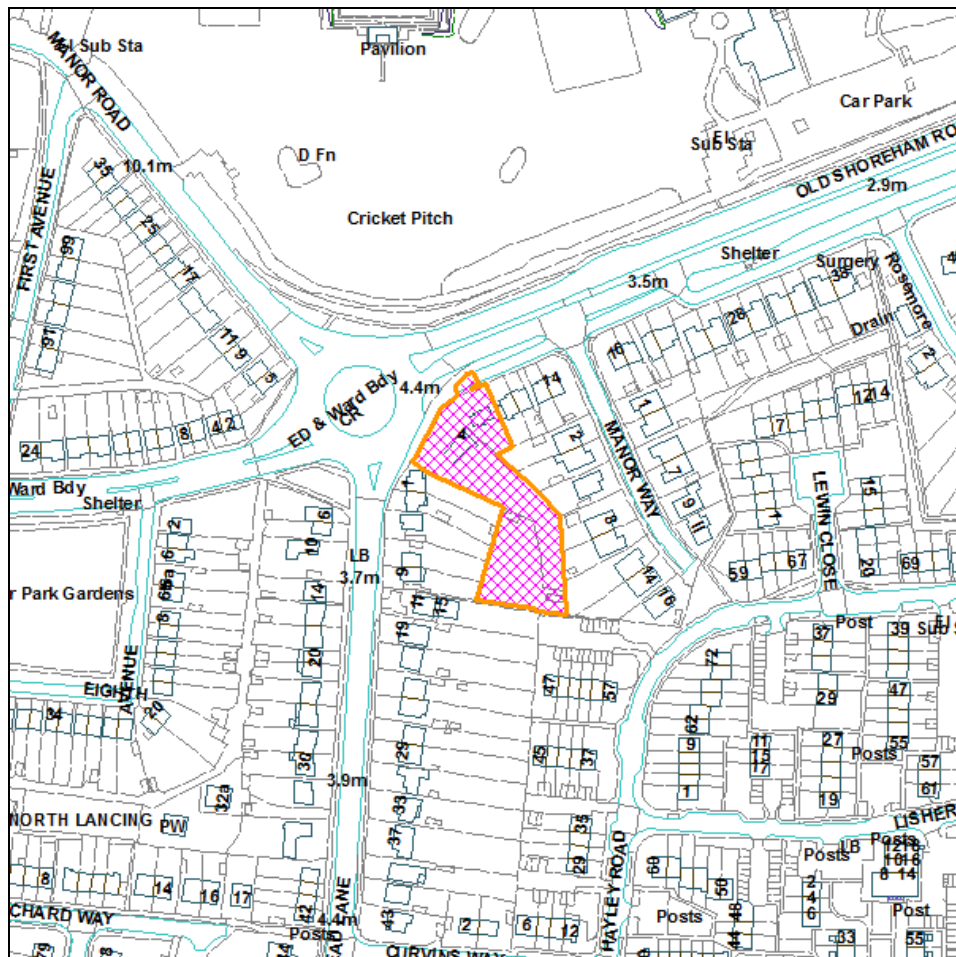
Recommendation: REFUSE

Site: 4 & 6 Old Shoreham Road, Lancing

Proposal: Demolition of fire damaged dwelling and erection of a replacement 5-bedroom dwelling at 4 Old Shoreham Road, retention of existing dwelling at 6 Old Shoreham Road and erection of 2 no. 4-bedroom dwellings. Closure of existing site access from A27 roundabout and creation of a new access road from Old Shoreham access road and associated vehicle parking and landscaping

Applicant: Shaws Installations Limited
Case Officer: Gary Peck

Ward: Mash Barn



Not to Scale

Proposal

This application seeks full planning permission for the demolition of the fire-damaged number 4 Old Shoreham Road and the erection of a replacement 5-bedroom dwelling, retention of the existing dwelling at 6 Old Shoreham Road (part of the curtilage of the site is required to facilitate the access to within the site) and erection of two 4 bedroom dwellings to the south of the site access. The application also looks to close the existing site access from the A27 roundabout and create a new site entrance from the access road as well as associated vehicle parking and landscaping.

The submitted Design & Access Statement (DAS) outlines the proposal:

The proposed dwelling on Plot 1 is two storeys in height with the ground floor providing ample floor area for living accommodation and the first floor providing sleeping accommodation. Plots 2&3 have a low eaves level on the east and west elevations and a single story element, reducing the buildings prominence to the immediate neighbours. Overlooking of the surrounding properties is limited by only using high level roof lights on the east and west boarding elevations.

The proposed buildings allow for reasonable distances to all of the site boundaries and follow the plot size of neighbouring dwellings. The ridge and eaves heights proposed bridge the level differences found on Grinstead Lane and Manor Way. Plot 2&3 employ a roof line that reduces the mass of the dwelling and the prominence from the neighbouring properties.

The forms proposed have taken influence from both nearby buildings and contemporary influences... Plot 1 follows a more traditional form utilising a tiled pitched roof, off white render and brick facing with a scale that fits into the street elevation. Plots 2 & 3 feature plain clay tiles on the roof, hung clay tiles, off white render and brick for the external walls. All buildings use grey aluminium framed glazing and solid timber entrance doors. The materials are traditional but implemented in a modern way.

It is also stated that a 1.5 metre buffer strip and 1.8 metre boundary fencing will be provided to the boundaries of the site.

In respect of access, the DAS states:

The proposed vehicular access will be constructed from the existing access road that services 6 Old Shoreham Road. The current access from Grinstead Lane will be pedestrian only and the current dead end of the access road will continue at a curved radius in to the site. The extension to the existing road has been discussed with ESCC and agreed in principle.

The 4.8m wide road will pass through the site, defining the plots boundaries and ending in a suitable turning head to enable access for fire appliances and refuse vehicles.

Parking is provided for Plot 1 in the form of a single garage and space for 2 cars to the side of the garage. Plots 2&3 have space for 3 cars each and a layby provides 2 spaces for visitor packing. There are a total of eleven spaces for cars. All plots have ample private amenity space for the storage of bicycles and general storage. All access routes are overlooked ensuring a good quality of natural surveillance.

Site & Surroundings

The application site is given as 0.278ha in area and consists of two existing residential dwellings, numbers 4 and 6 Old Shoreham Road. The site lies within the built-up area as defined by the Local Plan.

Number 4 is derelict having been previously severely damaged by fire. The application site also incorporates an area of disused land to the rear of 4 Old Shoreham Road, which was previously an overgrown garden but was completely cleared in 2017 and replaced with a tarmac hardstanding.

The site lies to the south of Old Shoreham Road, east of Grinstead Lane and west of Manor Way. The detached dwelling at 4 Old Shoreham Road is on the corner of the A27 and Grinstead Lane and is currently accessed from Grinstead Lane to the west, via a private driveway. The immediate character of the area can be described as residential. The 5 houses in Grinstead Lane which run along the western boundary of the site are visible from within the application site as well as the bungalows in Manor Way to the east of the site. To the south of the site is Haley Road, with a parking and garaging area being closest to the boundary of the application site.

Relevant Planning History

There have been 6 previous applications on the site, all of which have been refused by the Council. The 2011 and 2014 applications were dismissed at appeal:

ADC/0467/06: Demolition of existing house and erection of 6 two-bedroom flats and terrace of 6 three-bedroom houses (two storeys including 4 with rooms in roof) served by new access road off end of service road (outline with layout and access details) – refused.

ADC/0498/07: Demolition of existing house and erection of 4 No. 2 bed flats, 2 No. 2 storey 3 bed houses, 4 No. 2.5 storey 3 bed houses with associated access and parking (Outline application) – refused.

ADC/0358/10: Demolition of existing houses (No's 4 and 6) and erection of 14 new dwelling units comprising 9 flats in 2 three-storey blocks (4 two-bedroom, 4 one-bedroom and 1 studio) at the north end of the site and 5 two-storey houses (4

semi-detached three-bedroom and 1 detached two-bedroom) served by new access road off end of service road and 23 car parking spaces – refused.

AWDM/0361/11: Demolition of existing houses (No's 4 and 6) and erection of 13 new dwellings (comprising 9 flats in 2 three-storey blocks at the north end of the site and 4 semi-detached two-storey houses at the rear) served by new access road off end of service road and 23 car parking spaces – refused and subsequent appeal dismissed.

AWDM/0004/13: Demolition of existing house at 4 Old Shoreham Road and erection of 5 flats in a new building at the north of the site and 4 houses on land to the rear. Closure of existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping – refused.

AWDM/0829/14: Demolition of existing house at 4 Old Shoreham Road and erection of 2 semi-detached houses and 2 double garages to the rear. Closure of existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping – refused and subsequent appeal dismissed.

Consultations

Lancing Parish Council

Whilst the Planning Committee welcomed an improvement proposal for the site, it resolved to recommend the application be refused on the following grounds:-

- i. overdevelopment of the site; the Committee considered that any improvement to the site should be like-for-like;
- ii. highway safety issues in respect of the access onto the A27, the proposed traffic scheme is flawed;
- iii. concerns as to whether refuse/emergency service vehicles could actual access either three of the properties;
- iv. the proposed drainage does not provide enough mitigation in respect of the sites flood risk; the area already suffers from flooding and this proposal would exacerbate the situation. The proposed 2 x 4-bedroomed dwellings and associated driveway creates a loss of drainage facility.

West Sussex Lead Local Flood Authority

For context, the conclusions of the applicant's Flood Risk Assessment, against which the County Council as Lead Local Flood Authority has commented upon, are reproduced below:

There are historic records of flooding in the area held by the Environment Agency and shown within the SFRA relating to the site. These were caused by surface water drainage issues relating to the ability of the piped and open watercourses, highway

drains and culverts between Grinstead Lane and Mash Barn Lane to convey surface water runoff and flows from upstream highway drains to the Lancing Ditches and River Adur.

Flooding occurring in late December 2012 was caused by a heavy rainfall event following a month of increased rainfall with high groundwater exceeding the ability of the highway drains and local watercourses to convey the flow to the River Adur together with deficiencies in the foul water sewer network allowing groundwater inundation and foul sewer flooding.

These issues have since been investigated and resolved by Southern Water as Sewerage Undertaker and West Sussex County Council as Lead Local Flood Authority.

The floor levels of the buildings at the southern end of the site will be raised a minimum of 300mm above the existing ground levels to increase protection against surface water flooding, provide additional elevation above the highest recorded annual groundwater levels and provide safe access to and from the site.

Groundwater rises to approximately 1m below the proposed floor levels during its annual peak and the residual risk of flooding from groundwater is considered low.

The Environment Agency's policies relating to the tidal flood defences along the west bank of the River Adur and their policy relating to the coastline defences provide confidence that the flood defences will be maintained during the lifespan of the development.

The Shoreham West Bank Flood Scheme will serve to increase the existing level of flood defence afforded against tidal flood risk which will offer a 1:300 year protection for up to 50 years and an anticipated 1:200 year protection for approximately 75 years. Construction is underway with completion anticipated by the end of 2018.

The proposed onsite surface water drainage system is designed to accommodate the anticipated volume of water generated on a 1:100 year storm event and include an additional 40% to account for the anticipated effects of future climate change providing a significant improvement over the existing system and affording a benefit to the wider area on higher intensity pluvial storm events.

The existing piped watercourse will be reconstructed in part as an open ditch allowing for any overland and exceedance flows to be catered for within the site and providing additional above ground storage. This will also provide a maintenance benefit and greatly reduce the risk of pipe blockages and associated risk of localised flooding.

Foul drainage will be connected to the public foul sewer via the existing onsite connections and a further connection could be requisitioned to the public foul sewer to the south of the site if required.

The removal of existing roof water drainage from the foul sewer will reduce risk of foul water flooding due to development. The improvements made and proposed by Southern Water will reduce the risk of sewer flooding to the area to an acceptable level.

The overall level of flood risk to new residents and new properties at the proposed development site will be low. The development will reduce the flood risk to the surrounding area or downstream catchment.

West Sussex Lead Local Flood Authority (Final comments)

“Introduction

West Sussex County Council (WSCC), in its capacity as the Lead Flood Authority (LLFA), has been consulted on the above proposed development in respect of local flood risk.

Detailed comments have been provided by the LLFA on 3 previous occasions:

On 1 May 18 (Reference B);

On 25 July 18 (Reference D) following the Applicant’s Response to the LLFA’s earlier comments (Reference C);

On 12 Nov 18 (Reference E) following review of the updated FRA 1.1.

At the request of Adur-Worthing Council the LLFA has now reviewed the latest round of comments from both the CEP and Adur-Worthing Drainage Engineer, Mr Ken Argent, (References F and G) and a further response is being provided to document the LLFA’s outstanding concerns with the above application.

LLFA Outstanding Concerns

Flooding from Groundwater

The outstanding concerns in relation to groundwater are:

Emergent groundwater from springs on or off site could potentially flow across the site and enter the storage earmarked for pluvial surface water attenuation. The evidence underlying this concern is as follows:

- *CEP’s FRA 1.1 (Reference D) paragraph 5.1.4 of which states: Water from springs is reported to have caused damage to 76 Old Shoreham Road and 4 Manor Way. The immediate proximity of 4 Manor Way to the development site is show in Figure 1 below.*
- *Contrary to Reference F, Adur-Worthing District Engineer has witnessed springs emerging in the garden of No 4 Old Shoreham Road (Reference G).*

- Reference H reported: Historically groundwater springs have broken through the ground surface within the highway fronting number 76 Old Shoreham Road where the existing ground surface level is 2.35m AOD and in the rear garden of 4 Old Shoreham Road where the existing ground level is 2.5m AOD.
- The geological map of the area confirms that the site is located at the junction of Head overlaying Alluvium deposits beneath which are the upper and middle chalk strata... The junction of the Head and the Alluvium gives rise to a series of springs that discharge into the southern Lancing Ditches to the southeast of the site. (Reference D).



The presence of a lined voided subbase beneath the onsite highway to a depth of a minimum of 670mm deep may influence existing levels / natural flows of water within the substrate. Reference D confirms that the water level at the southern borehole recorded on February 2017 rose to 0.73m below ground level (approximately 1.71m AOD). Reference B contains the statement: CEP accepts that it is possible that groundwater levels recorded in February 2017 may not represent the highest levels of groundwater which could occur. Given that the level of the highway at the turning head is approximately 2.5m AOD, the base of the voided subbase at this point will be no higher than 1.83m AOD and potentially lower than this. The LLFA maintains the view that the applicant has underestimated the storage required from the pluvial design storm event (see paragraph 2.23 below).

On this basis the LLFA considers that the applicant is unable to comply with best practice as set out in the CIRIA SUDS Manual, paragraph 20.3 which states: Where infiltration is prevented, the seasonally high groundwater level should always be below the base of the pavement formation.

Flooding from Surface water

To demonstrate that there is no increase to surface water flood risk resulting from the development, the applicant needs to provide robust evidence that finished floor levels

on site are above the projected maximum flood levels and that the increased rates of run-off from the development will not result in increased rates of surface water flow off the site to properties downstream.

Finished floor levels have been set at 3.1m demonstrating the risk of flooding to the chalet properties is minimal from combined surface water / groundwater flooding.

Contrary to the claims at References B and F, the applicant has not demonstrated that the design incorporates sufficient storage capacity to accommodate a 1:100 + 40% CC storm event. The LLFA considers the current evidence presented to date insufficient for the following reasons:

- *The applicant has based storage calculations solely upon the impermeable area drained, while using default values for the Coefficient of Volumetric run-off (CV) in the MicroDrainage simulations. This point was made in our response to the applicant dated 12 Nov 18 and the applicant was advised to re-submit the calculation using a CV of 1 in line with the Sewers for Adoption and adopted WSCC policy. The applicant has challenged rather than complied with this requirement. For this reason, the LLFA consider the volume of storage proposed to be a significant underestimate of the requirement.*
- *For the reasons set out in paragraph 2.1.1 (above) when seasonal groundwater levels are high there is a high risk of spring water flowing across the site and, in so doing, entering the storage designed for storm water run-off thereby reducing the capacity to less than designed 1:100 + CC storm event.*

The Sequential Test

The LLFA has consistently challenged the interpretation of the Sequential Test to this development (References A and E) on this basis that it fails to adequately consider all forms of flooding. However, consistent with the applicant's comments at Reference F, the LLFA accepts that this is a matter for the Local Planning Authority to determine."

Technical Services (final comments)

This response has been prepared after I have reviewed all the emails that have been written since August 2018.

4 Old Shoreham Road lies in Flood Zone 3, it is both predicted and known to suffer surface water flooding, is known to suffer from ground water flooding, and is known to have suffered historic flooding. There is photographic evidence of surface water flooding on several occasions, water has been seen running on the surface and flowing out of the two drains on the site, which are connected to the 9 inch drainage pipework from Grinstead Lane. I have witnessed ground water flooding from springs on this site during periods of high ground water levels.

The site has also been raised illegally, with materials which are not suitable, which actually currently transfers the risk of flooding to adjacent properties, and at least one

connection was made illegally to the surface water drain. This cross connection has I understand been subsequently removed, the illegally placed scalping material must be removed irrespective of any development decision.

The site has not been flooded by ground water for the past 30 months – this is due to the abnormally low ground water levels recorded over the past two winters.

Despite the illegal land raising – an effort by the developer to make the site “dry,” surface water flooding has still been recorded on the site in the last 12 months, the last time being 10th August 2018.

I would also record that there was an historical pond which was infilled in the mid to late 1930's this was located in the gardens of 1/3 Grinstead Lane, it was not located on the site in question, however the drain that crosses the site passes through the location of the pond, and follows the old ditch line.

I am assuming that the sequential and exceptions tests have been correctly applied as I note that the only thing apparently not agreed to date is drainage.

Revised FRA October 2018

I do not agree with the reasoning behind the comment at item 1.4, the site is classed as being in Flood Zone 3 by the EA. The new defences built by the EA are for all intense and purpose irrelevant, so far as current classification is concerned.

Section 5 of the FRA in my opinion adds considerable weight to the non-approval argument as it documents flooding on and around the site from the early 1960's. This flooding is from the several sources listed above.

I disagree with section 7.3.2 where the FRA states that the site is not affected by ground water – I have seen springs emerge on this site.

CEP offer borehole records from the site dated Feb 2017, which follows one of the driest winters recently – they confirm that ground water rose to within 0.73m of the surface of the site. CEP confirms that this ground surface refers the top of the ground under the illegally placed scalping material. CEP confirms that their design requires the scalping materials to be removed from the site.

LLFA comments 12 November 2018 and CEP response dated 23 November 2018

I note the comments from the LLFA dated 12th November and these are not dissimilar to my own concerns, I also note the counter response from CEP, dated 23rd November 2018.

Amongst other things the LLFA do not consider that the FRA demonstrates that sufficient storage capacity is provided to accept a 1:100 year pluvial event plus 40% climate change event when the GWLs are high and springs are active.

The proposal does provide sufficient capacity to deal with the required design rainfall. If ground water rises to emerge on the surface of the site, as it has in the past, this water should not be allowed to flow into the voided storage areas under the access road; nor should ground water be able to permeate into the storage void, therefore both north and south storage areas should be tanked, and the road levels raised above the gardens if possible.

Adur District Council Drainage Engineers Comments

There are several potential causes of flooding that need to be considered within a FRA, but in essence on this site only three are relevant, these being:

- Fluvial flooding, (River Flood), which occurs when excessive rainfall over an extended period of time causes a river to exceed its capacity.
- Pluvial flooding (Surface Water), occurs when an extremely heavy downpour of rain saturates drainage systems and the excess water cannot be absorbed, into the ground or drains.
- Groundwater flooding occurs when the water table in permeable rocks rises to enter basements/cellars or comes up above the ground surface.

Fluvial flooding, with the construction of the Adur Tidal Walls defences whilst within flood zone 3 I believe that this location could be considered safe from this form of flooding.

Pluvial flooding (Surface Water) the site is underlain by a layer of clay, making it fairly impermeable – this is acknowledged by all parties. During heavy rainfall the site is known to flood, with large puddles being observed, the water from these slowly dissipates after the rain.

The proposal to excavate the 9 inch pipe and open it up as a ditch and then to create a bridge over it would certainly help convey surface water away from the site. The current design to control surface water is to create two underground tanks to hold rainwater from roofs and the access road, and then discharge this at a controlled rate of 5l/s into the ditch.

Groundwater flooding

The site is underlain by a layer of clay, making it fairly impermeable, but springs have been seen on the site which indicates weak or perforated points in the clay layer. Ground water does not rise uniformly to the site surface, the ground water does however rise uniformly under the clay and as the artesian pressure increases springs flow through weak points.

There is a significant risk that removal / disturbance of the clay may increase the likelihood in wet winters of ground water eruptions due to artesian pressure. Wick drains and service trenches may intercept some of these springs and convey the water to the ditch, but reduction in clay thicknesses may lead to an increase in ground water volumes having to be disposed of.

Combined Flows

Currently this vegetated development site is “sealed” by the presence of the underground clay layer, and only a small amount of surface water from the site is discharged, via two drains on the site, into the underground pipe flowing from Grinstead Lane. The volume of water in this pipe rises and falls depending on rainfall runoff in Grinstead lane and how much ground water infiltrates into the pipe. This piped “base flow” discharges to the Doctors Ditch at the rear of 24 - 38 Old Shoreham Road. Historically if the pipe capacity is exceeded backwater flooding occurs in Grinstead Lane (This should not be confused with flooding associated with failure of the pumping station).

Under the proposal presented the newly opened ditch will be able to accommodate more water thereby potentially lessening flood instances in Grinstead Lane. However the ditch will convey the base flow plus a further 5l/s discharged from the two storage areas, plus any ground water which is intercepted and directed to the ditch, or which flows across the surface.

This combined flow off the site will be greater than that currently experienced and could therefore cause or increase downstream flooding. CEP’s counter argument is that the maximum flow off the site is limited to the capacity of the downstream 9 and 12 inch pipes. However my argument is that previously the piped system could only convey the maximum capacity of the single 9 inch sealed pipe crossing the sites this is now not the case under the proposals, more water can be delivered to the 9 and 12 inch pipes so they could pass on more flow.

Therefore

The proposals as drafted may reduce surface water flooding issues on the site because the ditch is opened up. This may then potentially cause downstream issues if more water is conveyed off the site.

The proposals do not consider effects on downstream properties from increased off site flows nor do they consider the effects upstream of the site if the ditch cannot convey sufficient flow from Grinstead Lane.

No account has been taken of the size and capacity of the “doctor’s ditch” or the culvert across Manor Close, or where increased off site flows may cause issues.

The proposals currently do not allow for both north and south storage areas to be lined.

The proposal may increase ground water flooding issues on the site especially if the protective clay layer is damaged or weakened during the construction of the buildings (Weakening may occur due to the reduction in thickness). Therefore some form of

improved subsurface drainage may be required but this would be difficult to place accurately.

The proposals as presented do not allow for the (agreed) pipe enlargement under the road. Telephone discussions with CEP have established that an open span bridge will be built.

Having carefully considered all the submission documentation, I do not think that the argument for the development is sufficiently sound.

In my opinion if this application were for the single 5 bed house I would support it but at this juncture I remain unconvinced, about the two further properties. I do not support the application, but equally I do believe that further improvements on the submission can be made, which could eventually satisfy the concerns of both the LLFA and myself.

Environmental Health

I would advise that the property facing the A27 to the North of the site would be severely affected by road traffic noise and the previous proposals, from earlier applications, for enhanced double glazing and a whole house ventilation system with heat exchange for dwellings with facades facing the A27 would still be appropriate. I would request that this be a condition of any permission given.

I would ask that a condition be placed on any permission setting the hours of construction and demolition given the proximity to other residential properties.

I would also ask that an informative be added to any permission advising that the developer contact environmental health for a Demolition Notice prior to any demolition work.

Highways England (initial comments)

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network. The strategic road network is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the strategic road network, in this case the A27.

Highways England, and our predecessor organisation the Highways Agency, have previously agreed to a similar proposal for this site involving closure of the existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road along with waiting restrictions. This relates to planning application

references AWDM/0361/11 and AWDM/0829/14. I attach the previously agreed drawings, Drawing 23 Rev A and Drawing 124 Rev A, showing the alterations to the A27 and the waiting restrictions on the service road for the previous application, AWDM/0829/14.

I note that the proposals shown in the drawings within the Transport Statement dated February 2018 do not concur with the measures we previously agreed, nor with the text in the Transport Statement. Our key concern is that the drawings in Appendix 3 of the Transport Statement 'Proposed Site Layout, Vehicle Tracking Drawings and Visibility Splay and Site Access Arrangement Plan' do not show the kerb line realignment required to remove the reverse curve on the A27 Manor Road roundabout. However paragraph 7.2.1 of the Transport Statement states:

"The proposed site layout drawing has been revised to accommodate the recommendations of the Safety Audit as follows:

- Extended hedge screening provided at the bend in the access road at its northwest end to remove the potential for egressing vehicles to dazzle drivers on the A27.*
- **The closure of the vehicle crossing from the Grinstead Lane Roundabout now incorporates a kerb line realignment which removes the current reverse curve and is supported in principle by the Highways Agency (now Highways England).***
- Realignment of tactile paving at proposed new pedestrian crossing point will be discussed with the Highway Authority as part of a S278 technical submission for work on the Public Highway.*
- Parking restriction in the form of double yellow lining on the southern side of the service road in the vicinity of the Manor Way junction."*

It therefore appears that the applicant's intention is to remove the reverse curve on the roundabout when closing the access, however this is not shown on the drawings in the Transport Statement's Appendix 3. If this is the intention, then the drawings will need to be amended accordingly.

Please can you ask the applicant to clarify whether the highway scheme is intended to be the same as in Drawing 23 Rev A (attached)?

If the proposed alterations to the A27 access are the same as the scheme Highways England previously agreed, then we will need a scale drawing (similar to Drawing 23 Rev A and with a drawing reference number) which can form the basis of a planning condition. We will also require a drawing similar to Drawing 124 Rev A (attached) showing the waiting restrictions; this can be incorporated into the same drawing as the proposed A27 access alterations.

If the intention is now not to remove the reverse curve at the roundabout, then the applicant will need to seek Highways England's approval to the revised highway proposal. If this is the case, we can advise the applicant on the information they will need to provide.

Our initial substantive response is that Highways England is not currently in a position to form a view on the proposal in terms of impact upon the A27 as there is currently contradictory information regarding what is being proposed. Accordingly our advice is that your Council should not determine this application (other than a refusal) until such time as the applicant has addressed our query, and agreed with Highways England the proposal to close the existing site access from the A27 roundabout and create a new access road from the Old Shoreham Road access road.

Highways England (formal response)

Recommend that the following conditions be attached to any permission granted:

We recommend that the following condition be attached to any permission granted:

1) No part of the development hereby permitted shall be occupied until the completion and opening to public traffic of the improvements to the A27 Trunk Road shown on Civil Engineering Practice's Drawing No. 120 "Proposed Site Access Arrangement and A27 Access Alterations" dated April 2018 (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Highways England)).

Reason: To ensure that the junction of the A27 Trunk Road with the A2025 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

2) No part of the development hereby permitted shall commence until the necessary traffic regulation order to implement the waiting restrictions at the junction of Old Shoreham Road with Manor Way shown on Civil Engineering Practice's Drawing No. 120 "Proposed Site Access Arrangement and A27 Access Alterations" dated April 2018 has been made and approved and the local planning authority have obtained confirmation in writing from the local highways authority that they are in a position to implement the waiting restriction.

Reason: To ensure that traffic can negotiate a U-turn between the service road and the main carriageway of the A27 Trunk Road at its junction with Manor Way and to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

3) No part of the development hereby permitted shall be occupied until the local planning authority has been advised in writing by the local highway authority that the waiting restriction at the junction of Old Shoreham Road with Manor Way shown on Civil Engineering Practice's Drawing No. 120 "Proposed Site Access Arrangement and A27 Access Alterations" dated April 2018 has been implemented.

Reason: To ensure that traffic can negotiate a U-turn between the service road and the main carriageway of the A27 Trunk Road at its junction with Manor Way and to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

4) No part of the development hereby permitted shall commence until a Construction Management Plan has been submitted and agreed in writing by the local planning authority (who shall consult Highways England). Construction of the development shall then be carried out in accordance with the agreed Construction Management Plan.

Reason: To ensure that construction of the development does not prejudice the free flow of traffic and conditions of safety on the highway, nor cause inconvenience to other highway users, and ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative

Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highways that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Highways England switchboard: 0300 470 1370. Email: PlanningSE@highwaysengland.co.uk

West Sussex Highways (initial comments)

The LHA have been consulted on a number of applications at the site to which no objection has been raised. The last was in 2014, AWDM/829/14 which was refused by the Local Planning Authority (LPA). Given the status of the A27 as part of the Strategic Road Network, Highways England (HE) should be consulted for comment relating to the traffic impact upon this road.

A Stage 1 Road Safety Audit (RSA) has been submitted in support of the application. The audit has a shelf life of 5 years and therefore an audit undertaken in 2010 is not accepted. Since 2010 the HD parameters have also changed from HD19/03 to HD19/15, therefore to reflect this and the 9 years that have passed the RSA should be re-commissioned.

(second comments)

The Local Highways Authority (LHA) has received further information from the applicant with regards to the Stage 1 Road Safety Audit (RSA) this letter is dated the 8th April 2018. Whilst points are made within the Auditors comments to the access arrangements and that the Auditor is satisfied with these arrangements the LHA have still not had confirmation regarding our points relating to the Audit being undertaken in accordance with the HD19/15 parameters.

(third comments)

WSCC in its capacity of Local Highways Authority (LHA) provided comments on these proposals in April and May 2018 respectively. At this time additional information was requested which to date has not been provided.

The previous comments on aforementioned dates are considered most relevant for the proposals. Upon inspection of the portal there does not appear to be any additional information provided that would directly change the LHA's previous comments.

Sussex Police

I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

Southern Water

The exact position of the water mains and surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the external edge of the surface water sewer.
- No development or new tree planting should be located within 6 metres either side of the external edge of the water main.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

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

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.

Southern Water requires a formal application for a connection to the 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, Southern House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Sussex Badger Trust

An ecology report in 2014 identified a badger sett in the garden although was not active in 2016. However, concern must be raised regarding the intensive land clearance with heavy machinery in 2017 apparently without referral to an ecologist.

Representations

Lancing Manor Residents Network

Strongly objects on the following grounds:

- Overdevelopment of the site
- Increased flood risk
- Dangerous road scheme
- Ecology
- Adverse impacts of reinstatement works to the site

2 letters of support have been received on the following grounds:

- it is a sensible well planned application and the objections are driven by vendetta rather than fact
- the access road is not dangerous
- the proposal does not represent overdevelopment
- the new properties will enhance the area rather than being left as a wasteland
- provision of new homes should be a priority

22 letters of objection have been received on the following grounds:

- the raising of the land will increase the likelihood of flooding and rising ground water
- drainage problems have occurred during 4 of the last 5 winters
- adverse impact upon highway safety
- extending Old Shoreham Road into the site and a U turn using the bellmouth of Manor Way to exit to the A27 westbound is highly dangerous
- lack of adequate vehicular access to the site
- access will cause headlamp dazzle to users of the A27
- repeat applications have been submitted to wear residents down
- nothing has changed since previous decisions
- loss of trees on the site has had an adverse impact upon wildlife
- the raising of the land was unauthorised and enforcement action should be taken
- the proposal fails to take the opportunity to extend the cycle route further

Relevant Planning Policies and Guidance

Adur Local Plan 2017: Relevant policies include 1, 2, 3, 15, 20, 22, 28 & 36

Development Control Standards – Space Around New Dwellings and Flats

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

The site has been subject to an extensive planning history.

The most recent application (AWDM/0829/14) originally sought a similar quantum of development to that proposed here with 4 dwelling proposed, although number 6 was to be replaced rather than retained as is the case under this proposal and the 2

dwellings proposed to the southern, rear part of the plot were orientated differently. During the course of that application, the 2 dwellings to the rear were eventually removed from the proposal, primarily because concerns over flooding and drainage had not been overcome. The scheme then reverted to a frontage scheme but retained a wide access and turning head to the rear area which was claimed to be necessary on refuse access grounds.

The application was refused and a subsequent appeal dismissed with the Inspector stating:

To accommodate the drive the houses have been sited so that there would be little or no space between them and the site's boundary with 1 Grinstead Lane (No 1) and both of the new houses would have comparatively small gardens because of the drive's land take. The drive, given its dimensions, would occupy a significant part of the site and neither of the highway authorities nor the waste collection authority now consider there to be a technical need for the drive. The provision of the drive, on the basis of the available evidence, would appear to be an over engineered access arrangement for a development of two houses. I consider the drive's formation would unnecessarily compromise the development's layout and appearance, resulting in a very tight siting relationship with No 1 and the provision of an expanse of hard surfacing, equivalent to a narrow road, that would be visible within the streetscene.

Following the dismissal of the appeal, the site had become very overgrown and in the absence of an acceptable redevelopment scheme, the site owner was asked to tidy up the land. Subsequently, the site was completely hard surfaced, which was not the suggestion the Council had requested.

After further discussions, the current application has been submitted. This now retains number 6, re-sites the replacement dwelling number 4 compared to the previous proposal so there is a greater separation distance to number 1 Grinstead Lane, to answer the concern previously expressed by the Inspector, and proposes 2 chalet bungalows alongside each other to the rear of the site.

In terms of layout, the frontage proposal is considered to be an improvement upon that previously considered. A minimum distance of 3 metres to the boundary is now maintained to 1 Grinstead Lane at its nearest point but because of the angle of the site, this increases to 7 metres at the front corner point of the proposed dwellings. Your officers no longer consider this to be the tight relationship previously of concern to the Inspector. The retention of number 6 still allows for adequate space for an access to pass between the dwellings.

The rear part of the site is sufficiently large to accommodate the 2 chalet bungalows proposed and 1.5 metre buffer is proposed to the 3 surrounding boundaries which will improve the open boundary relationship which exists at present. The rear gardens of numbers 1 to 9 Grinstead Lane, which are to the west of the application site are at least 20 metres in length and given that the proposed chalet bungalow on this side of the site is about 3 metres from the boundary, there is a sufficient distance between the

existing and proposed dwellings. Number 15 Grinstead Lane is closest to the south western boundary of the site but is around 15 metres from the proposed dwelling at an oblique angle and similarly it is considered that the relationship between these properties is acceptable.

To the east of the site are bungalows in Manor Way. These properties are closer to the site boundary than those in Grinstead Lane, the closest to the boundary being number 8 which has a rear garden of around 11 metres but because of the alignment of the new dwelling would be about 17 metres from number 8. The new dwelling would be about a similar distance from 10 Manor Way which has a longer rear garden of about 14 metres, but would be as close to the new dwelling because of the angle it sits to the site. Again this relationship is considered acceptable.

Although some representations, including from the Parish Council, consider the proposal to represent over development of the site, the density of development, including the retained number 6 within the overall site area, would only be around 16 dwellings per hectare, well below the 35 dwellings per hectare for residential sites envisaged by the Local Plan. The dog leg of the site and the position of neighbouring dwellings means, as evidenced by previous decisions that a density of the level outlined in the Local Plan is unlikely to be achieved but it is not considered there is any justifiable objection to the quantum of development currently proposed.

Highways objections have been consistently raised during the consideration of previous applications but as with previous applications, Highways England do not object to the proposal. Historically, West Sussex County Council has not objected to the proposal either but members will note from their consultation responses in respect of this proposal that the required updated Road Safety Audit (RSA) has not been supplied. While your officers feel that if the required information is submitted there is unlikely to be an objection from the County Council, nonetheless it has not been demonstrated to the satisfaction of the Council at this point that such information will be submitted and accordingly the application could not be granted permission without the appropriate RSA being submitted.

The remaining issue therefore relates to flooding and drainage issues. Aside from the reduced scheme for the frontage dwellings previously submitted (when the rear dwellings no longer formed part of the proposal) there have been outstanding objections from the relevant consultees regarding the development of the site. Indeed, the rear dwellings were previously withdrawn from the application because of these reasons.

In light of such concerns, it seems somewhat surprising that the site was covered with a hard surfacing following the dismissal of the previous appeal. No consent was given for the surfacing, which effectively raised the levels of the land and it seems apparent that the actions have not eradicated any concerns regarding drainage issues.

The Council's Strategic Flood Risk Assessment of 2012, it is stated in the Local Plan, has shown that there are a number of different types of flood risk in the district and

that, in addition to tidal and fluvial flooding, many parts of Adur are subject to groundwater and surface water flooding. Accordingly, Policy 36 of the Local Plan states:

The Council will work with relevant bodies to ensure that flood risk in Adur is reduced...

... The flood risk assessment will need to demonstrate that development:

- is appropriately flood resilient and resistant, includes safe access and escape routes where required, and that any residual risk can be safely managed;*
- will be safe for its lifetime taking account of the vulnerability of its users;*
- will not increase flood risk (including sewer flooding, surface water and groundwater flood risk) elsewhere;*
- will, where possible, reduce flood risk overall; and*
- will give priority to the use of sustainable drainage systems. The flood risk assessment will also need to demonstrate that, where possible, higher vulnerability uses have been located on parts of the site at the lowest probability of flooding.*

The current application was submitted in March 2018 and the long determination period for it has been to establish whether a solution can be found for the ongoing concerns given the progress which has been made on other aspects of the proposal. However, it is evident that the support of West Sussex County Council as the Lead Local Flood Authority and the Council's own Technical Services Officer has not yet been achieved.

The Lead Local Flood Authority (LLFA) raise concerns that emergent groundwater from springs on or off site could potentially flow across the site and enter the storage earmarked for pluvial surface water attenuation. The LLFA *maintains the view that the applicant has underestimated the storage required from the pluvial design storm event.* The LLFA go on to state that to *'demonstrate that there is no increase in surface water flood risk resulting from the development, the applicant needs to provide robust evidence that finished floor levels on the site are above the projected maximum flood levels...'* As the LLFA do not consider that such evidence has been provided, while the Council's Technical Services Officer does not consider that the argument for development is sufficiently sound, as the proposal may increase ground water flooding issues on the site for example, it follows in turn that the proposal does not comply with Policy 36 of the Local Plan.

The application has been with the Council for nearly a year, but it has not been possible to find a solution to the issues of flood risk and additionally the required Safety Audit has not been submitted. Understandably, residents are concerned with this ongoing matter while equally the applicant is entitled to a decision on the application. Having considered the matter carefully, it is recommended that the application be refused.

Recommendation

To **REFUSE** permission for the following reasons:

- 01 The proposal has failed to demonstrate that the proposed development is appropriately flood resilient, will be safe for its lifetime, will not increase flood risk or will reduce flood risk overall. The proposal therefore conflicts with policy 36 of the Adur Local Plan 2017 and guidance contained within the National Planning Policy Framework
- 02 It has not been demonstrated to the satisfaction of the Local Planning Authority that the safe and suitable access to the site can be achieved for all users as an up to date Stage1 Road Safety Audit has not been submitted to the Council for consideration.

11th February 2019

Application Number: AWDM/1695/18

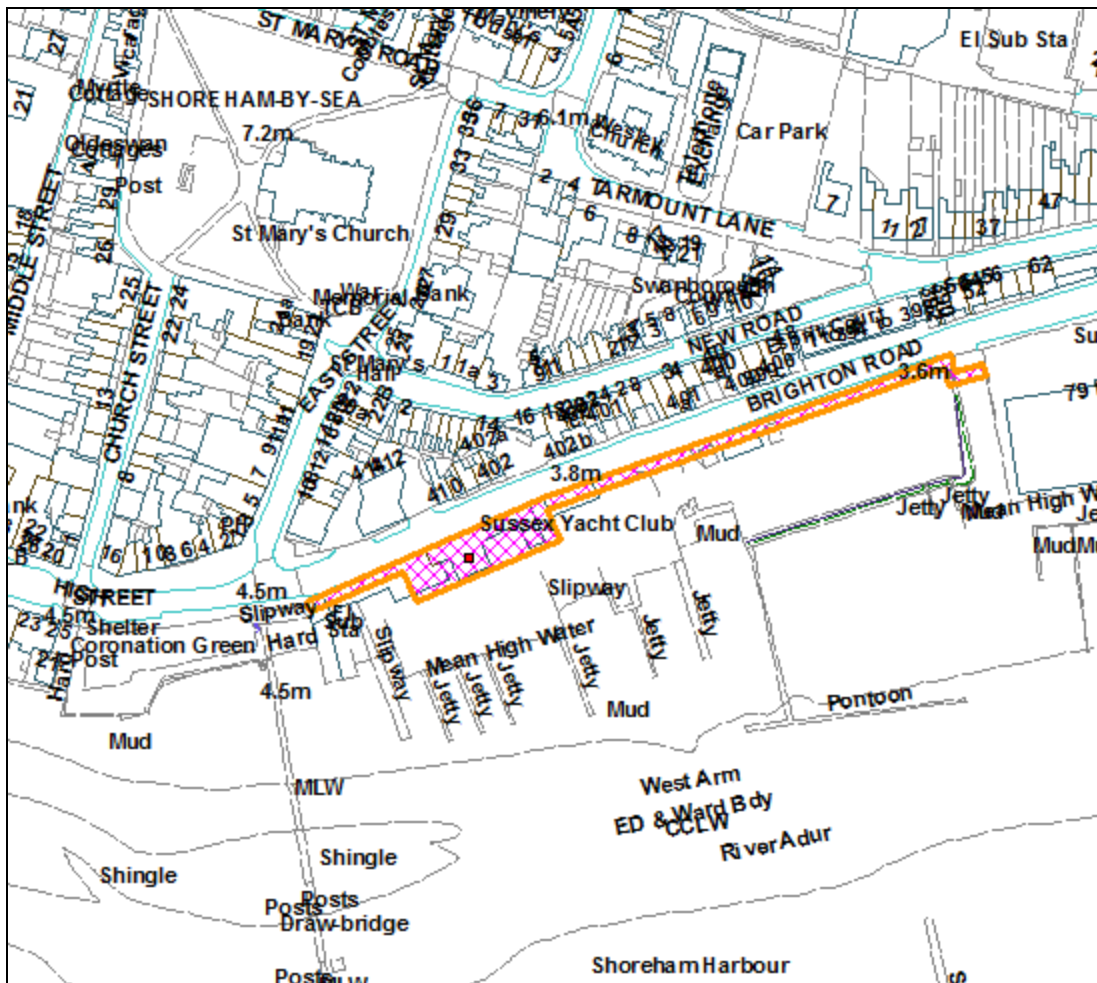
Recommendation – APPROVE

Site: 85 - 89 Brighton Road, Shoreham-By-Sea

Proposal: Construction of flood defence wall, and flood gate across former Tarmount Hard, provision of pedestrian and cycle path and public realm improvements following demolition of yacht club (subject of separate application).

Applicant: Adur & Worthing Councils
Case Officer: Peter Barnett

Ward: St Mary's



Not to Scale

Proposal, Site and Surroundings

The application site occupies a site with a frontage of approximately 235m on the south side of Brighton Road and to the east of the Adur Ferry Bridge. It lies within the Shoreham Conservation Area. To the east is the site of 79-81 Brighton Road which is currently being redeveloped for residential and commercial purposes. Opposite the site to the north there are residential properties in New Road and Brighton Road, a petrol filling station and a mix of commercial and residential properties in East Street.

The site comprises predominantly the frontage of the Sussex Yacht Club but also includes the former Tarmount Hard to the east, which lies between the yacht club and the new development at 79-81 Brighton Road.

The application is linked to an earlier application which was considered by the Planning Committee last year for the demolition and redevelopment of the Sussex Yacht Clubhouse (AWDM/0709/18). Permission was resolved to be granted for that development by the Planning Committee on 6 August 2018 but, at the time of writing, it had not been issued due to ongoing objections from the Environment Agency in respect of the impact of the development on the intertidal mud habitat. It is hoped that this matter will be resolved imminently and permission issued. An update can be provided at the meeting.

The existing clubhouse is positioned immediately adjacent to Brighton Road and it is to be demolished to facilitate the construction of a new flood wall and foot/cycle path along the site frontage, the subject of this current application. The proposal forms part of the wider flood defence works in Shoreham and is the last remaining section which is not addressed by either the development of 79-81 Brighton Road to the east or by the Environment Agency Tidal Walls project.

The proposed flood wall will be 1.5m high with metal railings above to an overall height of 2m. The wall itself will be of concrete construction with facing brickwork, a weathered coping stone on top and flint panelling either side of the proposed new vehicular access into the yacht club, which is to be repositioned further west. The access is to be secured in a flood event by sliding steel gates of 1.5m height and 12m width overall. The flood wall will reduce in height at its western end as it adjoins higher ground close to the Ferry Bridge.

A second flood gate is proposed at the eastern end, in front of the former Tarmount Hard. At that point the wall will return to run southwards along the eastern boundary of the yacht club. The proposed flood gate will secure the former Hard area and tie in with the flood defence works which will secure the new development at 79-81 Brighton Road.

The proposal will also enable the provision of a new shared footpath and cycleway along Brighton Road as part of a wider proposal for a segregated cycle route along the A259 from Shoreham to Brighton.

The application has been submitted by Adur & Worthing Councils. It is supported by a Design and Access Statement, a Heritage Statement, Flood Risk Assessment and Ecological Appraisal.

The project is to be funded from a grant awarded by the Local Economic Partnership (LEP) and a funding bid has been submitted to the EA for Flood Defence Grant in Aid (FDGiA). The outline business case suggests that there may be a funding gap and this is to be considered by Joint Strategic Committee at its meeting on the 5th March 2019.

Relevant Planning History

AWDM/0709/18 - Demolition of existing clubhouse for Sussex Yacht Club and reconfiguration of site including the erection of new clubhouse on south-east part of site with car park to north-east part of site and boatyard and workshops/stores on west part of site. Realignment of vehicular access, new pedestrian entrance from west and associated landscaping and external works

AWDM/0784/14 - Infilling of Tarmount Hard to form new stepped quay wall at southern end with pedestrian access and new fencing up to a maximum height of 2.2m.

Consultations

West Sussex County Council: The **Highways** Officer has no objection.

Adur & Worthing Councils: The **Engineer** objects. Surface water should be discharged to the river as proposed, but I don't see any mention of pollution prevention in the FRA. As such the drainage proposals are unacceptable as they pose a pollution risk which the EA will need to comment upon.

I note that the main access flood gate is to be two sliding 6m leaves, with a central steel post. Is this steel post separate or actually part of the two leaves? If it is separate where is it to be kept? There is no information about the Tarmount Hard gate. Who owns and maintains the gates. Who operates the gates in the event of a flood warning? There is insufficient information within this application.

I therefore raise a HOLDING OBJECTION until these questions are answered.

Environment Agency: Object. The documents supplied with the application do not make it clear as to whether the flood wall is to be built on top of intertidal mud that was infilled contrary to planning permission on the adjacent former Parcelforce site. In order to assess this application we would need more specific detail about the new

flood wall in relation to former intertidal mud flat habitat i.e. is this wall being constructed on top of infilled area or highway?

Please note that from a Flood Risk Management prospective, we are satisfied that the new flood wall will be set to a height of 5.4m AOD.

Adur District Conservation Advisory Group: No comments received

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 8, 11, 15, 17, 28, 29, 30, 31, 34, 35, 36

Proposed Submission Shoreham Harbour Joint Area Action Plan (JAAP) May 2018
CA7, SH1, SH5, SH6, SH7, SH8, SH9

Proposed Main Modifications to the Shoreham Harbour JAAP January 2019
Modification No. 20

Shoreham Harbour Interim Planning Guidance (ADC & Ptnrs 2011)

Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)

'A Strategy for Shoreham Renaissance' (ADC 2006)

Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy
(ADC 2008)

National Planning Policy Framework (July 2018)

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

There is no objection in principle to the construction of the flood wall as it will significantly reduce flood risk to homes and businesses in the locality as well as facilitating a new footpath and cycleway on the south side of the A259. The main considerations are assessed below.

Visual amenity and impact on the Conservation Area

The proposed wall is considered to have an acceptable design which will be sympathetic to its location within the Conservation Area. The site currently has a mixed boundary treatment on the road frontage comprising mainly curved top panel fencing at the eastern end and a low brick wall, sections of which are topped with picket fencing, along the majority of the frontage. At the western end it is the clubhouse itself and outbuildings which form the boundary.

The Heritage Statement states that:

“whilst there is a loss of historic plan form, its replacement with a lower level wall, with open railings above would provide greater visibility between the public realm and yacht club site. Additionally, the replacement yacht club building would be of a high quality and provides a focal point within the site, when viewed from key viewpoints within the locality.”

The flood gates are not particularly sympathetic in appearance but they will generally be hidden behind the flood wall and only slid into position in a flood event. Their visual impact should not be significant in the long term therefore.

The proposal, together with the re-siting of the clubhouse, is therefore considered to result in a more open and uniform appearance to the visual benefit of the street scene and to the quality, character and appearance of the Conservation Area.

Accessibility and parking

The proposed wall will incorporate a new vehicular access into the site which reflects the details submitted with the clubhouse application (AWDM/0709/18). The timing of when the access and parking spaces are to be provided for the clubhouse needs to be agreed and it may be that temporary parking arrangements are made if construction of the wall is delayed. In the event of delays to the construction of the wall, the existing vehicular access will continue to be used.

The existing vehicular access also accesses a right of way known as ‘Stowes Gap Hard’ within the yacht club site. This will need to be formally extinguished and the highway rights of the land within the site will need to be stopped up. This is a separate legal mechanism outside of the current application.

The proposal will facilitate the provision of a shared cycle way and footpath alongside Brighton Road. There is a policy and design standard for the cycle facility along the A259. West Sussex County Council (WSSCC) has been part of the Shoreham Harbour Regeneration Partnership which has prepared the Shoreham Harbour Joint Area Action Plan (JAAP) which was submitted to the Secretary of State for public examination on 31 May 2018. WSSCC have undertaken a meeting with the Project Leader of the flood defence enhancement from Adur Worthing Councils (AWC). A commitment was made at the meeting which concluded that both AWC and WSSCC

would work jointly on the project and ensure its delivery in line with emerging proposals from the Shoreham Area Sustainable Transport Package Feasibility Study. The redevelopment of the yacht club as part of this application will not affect the delivery of the cycle facility.

Flood risk

The proposal seeks to prevent flood risk to a significant number of homes and businesses within the locality. However, any development that impacts upon existing flood routes and the capacity of such flood routes must ensure that it would not give rise to flood risk elsewhere. The submitted FRA confirms that the flood wall is to be constructed to a design level of 5.40m AOD which will mitigate the risk from tidal flooding from the 1 in 200 year flood event for the lifetime of the development.

The flood wall will link with the flood defence wall to be constructed around the new development at 79-81 Brighton Road to the east and will improve flood defences for this stretch of Brighton Road without increasing the risk elsewhere.

There is no objection from the Environment Agency to the height of the wall or method of flood defence.

The flood gates are to be the responsibility of Adur District Council who will maintain and operate them, however, discussions with the Yacht Club are ongoing and a separate agreement on the management of the gates in the future by the Club would be sensible given their on-site presence.

The concerns of the County Engineer can be addressed through the imposition of conditions requiring further details of pollution control measures and a management agreement for the future operation and management of the gates.

Residential amenity

The proposal is not considered to have an adverse impact on the amenity of those dwellings which face the site across Brighton Road. The relocation of the clubhouse and improved flood defences are considered to be significant benefits.

Ecology and biodiversity

This issue largely relates to the clubhouse development rather than to the construction of the flood wall. However, part of the flood defences will be constructed across the former Tarmount Hard and the Environment Agency have raised an objection as they are unclear as to whether, at the eastern end, part of the wall will be constructed on land which was formerly intertidal mud habitat and whether sufficient compensation for the loss of that habitat has been provided in the form of replacement habitat elsewhere.

The structural engineers have subsequently confirmed that the wall and its foundations are to be constructed in an area above the level of the high water spring tide and therefore will not be on any former intertidal habitat.

Any further comments from the Environment Agency will be reported at the meeting, however, the EA has been reassured that the new flood wall would not affect any inter-tidal mud at Tarmount Hard.

Conclusion

It is considered that the benefits of the application in terms of improvements to flood defences, sustainable transport and the public realm significantly outweigh any harm that may arise.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Samples of external materials including flint panel to be constructed on site
4. Provision of vehicular access
5. Closure of existing access
6. Construction management plan
7. Visibility at access
8. The existing public rights of way to Stowes Gap Hard shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of the public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.
9. Prior to commencement of development precise details of the future management and operation of the floodgates shall be submitted to and approved by the LPA.
10. Details of pollution control measures.

Application Number: AWDM/1775/18

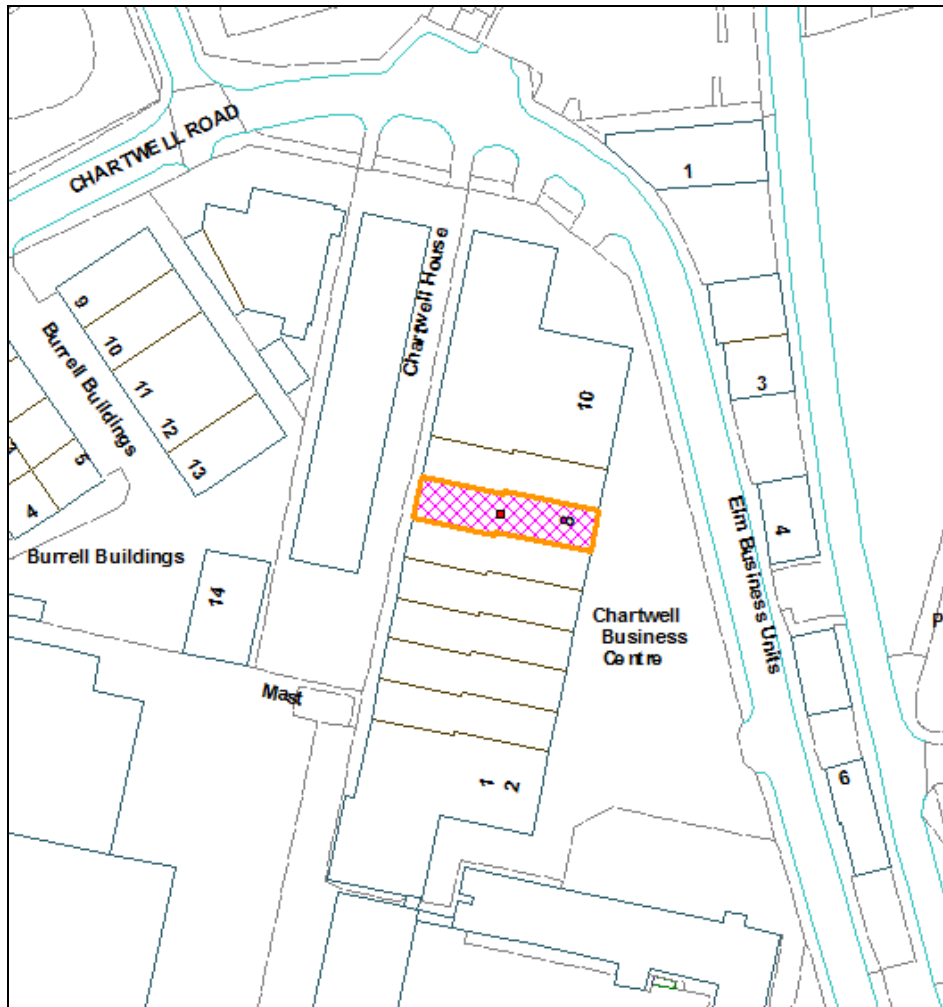
Recommendation – APPROVE

Site: Unit 8 Chartwell Business Centre, 42 Chartwell Road
Lancing Business Park, Lancing

Proposal: Change of use from B1/B2/B8 to D2 Gym and minor internal changes

Applicant: South Coast Gym
Case Officer: Peter Barnett

Ward: Churchill



Not to Scale

Proposal, Site and Surroundings

The application seeks permission for a change of use from business (Use Class B1/B2/B8) to leisure use (Class D2), specifically for use as a gym. No external alterations or extensions are proposed.

The site lies within a terrace of 11 units in the Chartwell Business Centre, 4 of which are now in gym/leisure use. These are:

Unit 6 – Zodiac Cheerleading

Unit 7 – South Coast Gym (the current applicants)

Units 9 and 10 – Wickers Gym

The applicants currently occupy Unit 7 and wish to expand their business into the adjoining Unit 8. The application is a Departure from the Adur Local Plan and has been advertised as such.

Relevant Planning History

AWDM/1028/14 – Change of use of Unit 7 from Use Class B1/B8 (Business/Storage or Distribution) to gym (Use Class D2 Assembly and Leisure) – 3 year temporary permission granted until 24 November 2017

AWDM/1644/14 – Unit 9 - Change of use from Class B2 Industrial to gymnastics facilities (D2) – this was an expansion of an existing gym (Wickers Gym) who also occupy Unit 10. Permission was granted by Members contrary to the Officer's recommendation.

AWDM/0157/15 – Unit 6 - Change of use from Use Class B1/B8 (Business/Storage or Distribution) to Use Class D2 (Assembly and Leisure) - Permission was granted by Members contrary to the Officer's recommendation.

AWDM/1754/17 - Continuation of change of use of Unit 7 from Use Class B1/B8 (Business/Storage or Distribution) to gym Use Class D2 (Assembly and Leisure) (Departure) – permanent permission granted

Consultations

West Sussex County Council: No objection from a transport/highways aspect. Comments that WSCC have used the car parking standards for D2 use to understand the anticipated parking demand for a D2 use of this size; which equates to 37 additional car parking spaces.

The applicant has confirmed the parking needs of the gym work well within this setting as the gym's peak times wrap around the existing business units operating times; and as such complement each other.

Examples have been provided to show they have good relations with the other business operating in the industrial estate; and are given permission to use these car parks when not in use.

As the gyms peak hours are 6-8am in the morning and 5-10pm at night, considering the examples provided, there would be enough capacity within the sites car park and in alternative car parks (such as Wickes or RR Donnelly's) on the estate for an additional 37 spaces.

The applicant has also confirmed this does not take into account the Council's Marlborough Road car park, which is large enough to accommodate more than this number should it be necessary, and the large number of lunch time users are employees from the estate which would suggest they are travelling sustainably to the site with no need for parking.

As such WSCC are satisfied this increased demand for more car parking can be accommodated by the existing parking spaces on the industrial unit and raise no further objection.

Adur & Worthing Councils: The **Environmental Health** officer has no objection

The **Planning Policy** Officer objects to the application. Advises that Unit 7 received a temporary consent for D2 use in 2014 and permanent consent in January 2018 (AWDM/1754/17). The decision notice makes clear that this was granted on an exceptional basis (as the proposal was contrary to planning policies seeking to protect employment uses). As such, this should not be seen to create a precedent.

The permanent consent for Unit 7 was granted despite Policy 25 of the Adur Local Plan resisting change of use on the Lancing Business Park. (The Adur Local Plan was adopted in December 2017). At that time it was noted that the gym offered a range of social and economic benefits. As the committee report makes clear, a further material consideration was that the non-business use was in existence at that point.

The current proposal seeks to extend into a unit in (or last in) B class use. Policy 25 of the Adur Local Plan strongly resists conversions to other uses from B class uses, in Lancing Business Park and two other key industrial estates in Adur. This is in order to ensure there is sufficient B class floorspace available in Adur.

No evidence has been provided to indicate that the gym has sought, but failed to find, larger premises elsewhere. Although the social and health benefits of the gym are noted, this proposal would result in a loss of a further B class unit on one of Adur's key industrial estates. There is therefore a policy objection to this proposal.

However it is appreciated that other factors may also be of relevance and the decision will be based on a balanced view of these. If the proposed use is allowed, this should not result in a precedent being created, in order that the adopted policy is not undermined.

Lancing Parish Council: No objection

Lancing Business Park Business Improvement District (BID) Committee: Support the application. Lancing Business Park currently has a 98.5% total floorspace occupation rate, with very few units currently available on the business park. Lancing Business Park BID is committed to retaining B1, B2 & B8 units for industrial/office use to provide expansion space for existing businesses based on the business park and to attract more industrial/office businesses to the area, without impacting the daily operation of the business park.

Lancing Business Park currently suffers from parking, congestion and one-way issues and are working with WSCC Highways and businesses based on the business park, to try to alleviate these issues. The business park is particularly suffering from parking and congestion issue from 3pm weekdays, as visitors navigate the business park to drop-off/pick-up from the far end of Chartwell Business Centre.

Unit 8 Chartwell Business Centre was occupied by an audio manufacturer until November 2018, when they relocated to a larger independent unit. Unit 8 is neighboured by a Gymnastic organisation in Units 9 & 10, South Coast Gym in Unit 7 and a Cheerleading organisation in Unit 6. Currently Units 3, 4 & 5 Chartwell Business Centre are being marketed for occupation.

Lancing Business Park BID have been working with South Coast Gym and The Fit Project to improve fitness of staff on the business park and we understand that businesses are already seeing benefits from this partnership. Members also consider it beneficial to have an onsite gym for staff to easily access before and after working hours.

Lancing Business Park BID Committee have considered all the issues relating to this application and concluded to support this application for the following reasons:

- The applicant is already a member of the BID, contributing both financially and by providing free fitness support and advice for staff on the park
- The applicant's business operation is mainly before and after normal working hours and members do not consider that an expansion of this operation will add to current parking and congestion issues
- Members consider Unit 8 to be unattractive to potential B class businesses due to the existing D class neighbours and the potential risk for HGV movements
- Units 3,4,5 Chartwell Business Centre are currently being marketed for B class use, which provide industrial/office potential at the less congested end of Chartwell Business Centre. The BID therefore seeks to retain B class use in these three units.

Representations

7 letters of support received from various businesses within the Lancing Business Park:

- Our staff use the facilities at the existing gym as it is convenient for pre-work and lunchtime training
- It provides an essential service, namely accessible health and fitness for employees
- Existing facilities are small and cramped.
- Any expansion would be welcomed

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 25
National Planning Policy Framework (2018)

Relevant Legislation

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

Planning Assessment

Principle

The site is located within Lancing Business Park which is subject to Policy 25 of the Adur Local Plan. This seeks to protect the Business Park for B1, B2 and B8 uses with no flexibility for other uses unless

“(i) The loss of a small proportion of employment floorspace would lead to a significant upgrade of the remaining employment floorspace; or

(ii) It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings for B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area.

Where part (ii) of the above criteria has been satisfied, a mix of uses will be considered. Employment generating uses should be considered as part of this mix of

uses. Complete loss of employment uses will only be acceptable where it has been demonstrated to the satisfaction of the Local Planning Authority that partial employment use cannot realistically be achieved.”

The Council is also about to consult on a new supplementary planning document: “Demonstrating Genuine Redundancy of Employment Sites in Adur.” This will require applicants to justify the loss of a business unit by demonstrating that all reasonable steps have been taken to maintain a Class B use. Where it is demonstrated that it is not viable to maintain the existing business use then options for alternative employment uses will need to be explored before non-employment uses would be considered. This applies to all employment sites/premises regardless of size or condition. Applicants would then be expected to have undertaken a marketing campaign of at least 1 year to determine the demand for the site from business occupiers. Until this has been undertaken, change of use will not be considered.

Ordinarily, therefore, this proposal would be refused as the unit only became vacant in November 2018 and no marketing has been undertaken to demonstrate any genuine lack of demand for business use. The applicant has also failed to provide any evidence that they have sought larger premises elsewhere.

However, there are considered to be material considerations in this case which could justify an exception to policy.

The existing gym in Unit 7 has successfully established itself within the Business Park and there is evidence, borne out in several letters of support from other businesses on the Park, that the gym is well used by their employees, resulting in health and wellbeing benefits. The gym currently employs 10 permanent staff and 6-8 sub-contract trainers. As well as benefitting employees on the Business Park, the gym also runs training courses for local schools. Their aim is to become a regional centre of excellence for various sports and activities, including the setting up of an educational programme to cover healthy eating as well as exercise.

Unit 8 is immediately adjacent to unit 7 and would enable a relatively simple expansion of the existing gym into the adjoining building, over two floors. This would then result in a continuous run of 5 units in D2 use, rather than having a B Class unit in between D2 Class units. The unit could also revert to a B Class use just as easily should the gym cease in the future. The applicant has confirmed that he would agree to the imposition of a condition to restrict the use of the unit as a commercial gym only and no other use within Class D2.

Another important consideration is that Lancing Business Park BID Committee support the change of use of Unit 8. They have confirmed that they have been working with the existing gym to improve the fitness of staff on the business park and the applicant is already a member of the BID. They also consider that Unit 8 will be unattractive to potential B Class businesses because of the D Class businesses on either side. Finally, they have confirmed that Units 3, 4 and 5 are currently being marketed for B Class use and they would expect those units to be retained for B Class use.

Consequently, and on balance, notwithstanding the policy objection to the loss of this unit for B Class uses, it is considered that there are sufficient material considerations here to justify an exceptional departure from Policy 25 of the Local Plan. In reaching this decision, it should be emphasised that this is an exception and in no way justifies the loss of further units for non-business class uses within the Chartwell Business Centre or the wider Lancing Business Park as a whole.

Accessibility and parking

The applicants have previously submitted a car parking demand survey using a combination of TRICS data and manual counts which revealed that the gym use would not result in increased parking problems or highway safety issues. Since 2014 the use of Unit 7 has operated without complaint.

West Sussex highways had originally sought an updated parking survey to support this application. However, the applicant responded by providing the following information:

“With the two units we have 10 permanent spaces. We also have additional spaces as follows:

From 6am-8am 11 Spaces from Wickers.

From 6am - 5pm another 5 spaces from Unit 6.

From 6am-8am and then from 3pm-10pm 27 spaces from RR Donnelley's

There are also another 9 Visitor spaces on site which have to be drawn in by the Landlord, which can be used throughout the day.

Our main peak of members is 6am-7.30am and then from 5pm. We also have members at lunchtime but the vast majority of these are from the Business Park itself.

The great thing with the gym is that its peak periods are the opposite of the park itself creating a perfect synergy. So the above is purely for parking on our own site. We also have on road parking and the Business Park car park, but this hasn't needed to be used. We also have permission from the businesses opposite to use their parking spaces outside of business hours.”

WSCC Highways has considered this response and have confirmed that they are satisfied that any increased demand for car parking can be accommodated by the existing parking spaces on the industrial unit and no therefore highway objection is raised.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a gymnasium within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. On cessation of the use hereby permitted, the premises shall be restored to their former use (Class B1/B2/B8).

11th February 2019

Application Number: AWDM/1465/18

Recommendation – REFUSE

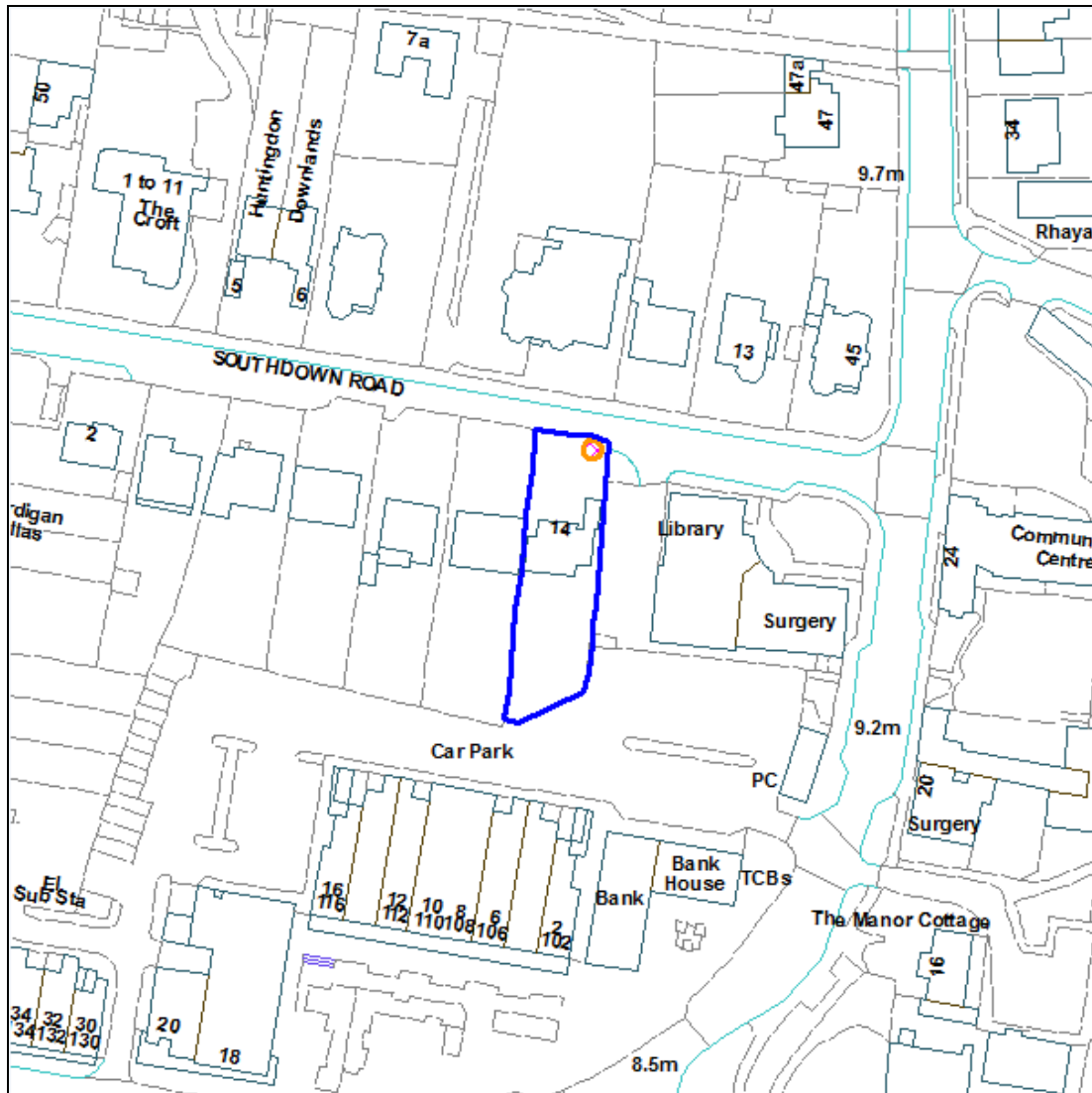
Site Address: 14 Southdown Road Southwick BN42 4FT

Proposal: Application for consent under Adur Tree Preservation Order No. 13.53/1/05/SW to fell one *Macrocarpa* tree (T1).

Applicant: Mr Ian Felton

Case Officer: Jeremy Sergeant

Ward: Southwick Green



Not to Scale

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This application has been called in by Councillor Stephen Chipp.

Proposal, Site and Surroundings

The application refers to a large mature Monterey Cypress located near the northeast corner of the front garden adjacent to the carriage way of Southdown Road and the parking area for Southwick Library / Surgery. The tree is a prominent part of the street scene and makes a contribution to the character and visual amenities of the Southwick Conservation Area (although the tree itself is not in the Conservation Area, it is directly adjacent to the boundary of the Conservation Area and hence clearly visible from within it).

Consent is sought to fell the tree.

The reasons for the works are primarily in the interests of safety, and amenity value.

Relevant Planning History

2005: Adur Tree Preservation order Number 13.53/1/05/SW of 2005 confirmed on 06/02/2006.

2006: Removal of 2 lower limbs of cypress tree (subject to TPO 13.53/1/05/SW)
Refused

2007: Light pruning of low-growing and broken overhanging limbs of cypress tree (subject to TPO 13.53/1/05/SW) to avoid injury to passers-by.

2010: Remove deadwood of Macrocarpa overhanging library car park (subject to TPO 13.53/1/05/SW).

Consultations

None

Representations

None received by the Council but officers are aware that the neighbour (number 13) has indicated an objection to the ward councillor on the grounds of adverse impact upon the character of the area and that the tree is not dead or dangerous

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 15 and 30

Circular 04/07: Tree Preservation Orders: A Guide to the Law and Good Practice (DETR 2000)

National Planning Policy Framework (July 2018)

Applications in connection with carrying out works on trees that are protected by TPOs

The Committee should consider the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that provides the application may be granted either unconditionally or subject to relevant conditions, or refused.

Planning Assessment

The tree was made the subject of a Tree Preservation Order in 2005 when an application was received for the redevelopment to provide a new library and GP surgery (SW/77/05/TP) at the Southwick Library. It was felt that as the tree formed a striking landscape feature within the near area, it should be the subject of a formal Preservation Order. It was noted in the planning assessment at the time that the tree is striking in appearance with low-lying branches overhanging the adjacent landscaped area within the curtilage of the library. The lower branches have since been removed due to damage and /or natural dieback.

The tree has a large diameter single stem from ground level that begins to separate into 5 to 6 stems from 2 metres some being fused, all becoming fully separated from 4 to 6 metres. Each of the stems mostly persists to the top of the high crown, each supporting several areas of deadwood. The main crown is open, slightly sparse and wide spread with some over extended laterals, and several large areas of deadwood exposing sections of defoliated branches and bark damage.

The Arboricultural Officer considers that remedial works to remove deadwood and make the tree safer, as sections of deadwood could represent a public hazard, will greatly reduce its amenity value and form, and would not prevent its overall decline (the tree is unlikely to survive as a prominent feature for more than 10 to 15 years).

However, to fell the tree would cause a significant impact upon the character of the area. It is a prominent and attractive feature from the eastern end of Southdown Road and also clearly visible from the well-used Southwick Street and the car park on the northern side of Southwick Square. It can therefore be considered as a positive addition to the streetscene. Policy 30 of the Local Plan states that 'green infrastructure' will be protected and that trees which make a positive contribution to the street scene should be protected.

An alternative suggestion to remove the deadwood first so that the Council could make a further assessment of the amenity of the tree has not been pursued. Your officers therefore feel that felling of the tree at this point cannot be justified and accordingly it is recommended that permission is refused.

Recommendation

REFUSE permission for the following reason:-

The Macrocarpa tree is a prominent and established feature which makes a positive contribution to the character of the area and adjacent Southwick Conservation Area and its removal would therefore be detrimental to the visual character of the area. It is not considered that a sufficient arboricultural reason has been provided to justify the felling of the tree and accordingly the proposal fails to comply with policies 15 and 30 of the Adur Local Plan 2017.

11th February 2019

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.