



ADUR DISTRICT COUNCIL

1 May 2019

Adur Planning Committee

Date: 13 May 2019

Time: 7:00pm

Venue: Queen Elizabeth II Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chairman), Pat Beresford (Vice-Chair), Les Alden, George Barton, Stephen Chipp, Brian Coomber, Lee Cowen and Robin Monk.

NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Friday 10 May 2019.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage if such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting held on 11 March 2019, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Planning Applications

To consider a report by the Director for the Economy, attached as Item 5.

6. Public Question Time

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Thursday 9 May 2019.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services - democratic.services@adur-worthing.gov.uk

(**Note:** Public Question Time will last for a maximum of 30 minutes)

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Louise Mathie Senior Lawyer 01903 221050 louise.mathie@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



ADUR DISTRICT
COUNCIL

Planning Committee
13 May 2019
Agenda Item 5
Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/0236/19** Recommendation – Approve

Site: Brighton And Hove Albion Training Ground, 60 Mash Barn Lane, Lancing

Proposal: Reconfiguration and extension of Training Ground including extension to existing Training Centre building, erection of a new single storey 'Club Hub' building to include women's and girls' changing rooms, community changing rooms and pitchside seating for parents/coaches, formation of an additional three pitches and training grid, reconfiguration of existing pitches including relocation of indoor pitch, showpitch, spectator stand, floodlighting and camera tower, provision of additional 51 parking spaces, provision of a temporary construction haul road from the A27, plus hard and soft landscaping.

2

Application Number: **AWDM/0337/18** Recommendation – Approve

Site: 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/0086/19

Recommendation – Refuse

Site: 15 The Marlinespike, Shoreham by Sea

Proposal: Remodelling of bungalow to form two storey dwelling including single storey rear extension and new first floor flat-roofed extension to replace existing pitched roof.

4

Application Number: AWDM/0444/19

Recommendation – Approve

Site: Land South Of Loose Lane, Sompting

Proposal: Removal of Conditions 4 (Surface Water and Pollution Prevention) and 5 (Archaeology) Approved AWDM/1375/17 (Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land).

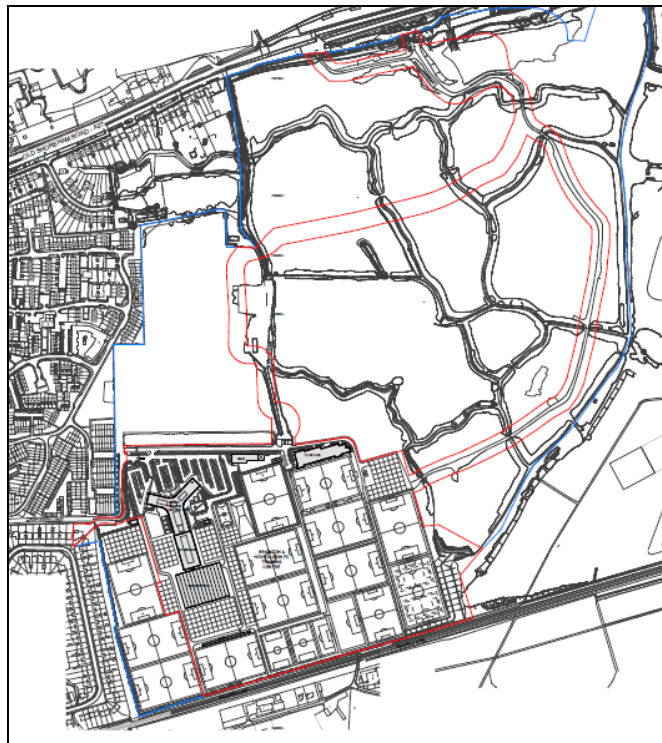
Application Number: AWDM/0236/19

Recommendation – APPROVE

Site: Brighton And Hove Albion Training Ground, 60 Mash Barn Lane, Lancing

Proposal: Reconfiguration and extension of Training Ground including extension to existing Training Centre building, erection of a new single storey 'Club Hub' building to include women's and girls' changing rooms, community changing rooms and pitchside seating for parents/coaches, formation of an additional three pitches and training grid, reconfiguration of existing pitches including relocation of indoor pitch, showpitch, spectator stand, floodlighting and camera tower, provision of additional 51 parking spaces, provision of a temporary construction haul road from the A27, plus hard and soft landscaping.

Applicant: The Community Stadium Limited Ward: Mash Barn
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application relates primarily to land comprising the grounds of the Brighton & Hove Albion FC Training Ground on the eastern edge of Lancing. The application also includes an additional area of land on the eastern boundary of the Training Ground, including land previously occupied by a collection of agricultural buildings known as North Barn Farm.

The application proposes an extension to and reconfiguration of the Training Ground to include the following elements:

- The erection of a single storey building (94m long, 28m wide and 5.4m high) in the north-eastern corner of the site to be used as a 'Club Hub' and which will replace temporary changing rooms and a reed bed which is currently used to treat foul sewerage from the site. (New foul sewerage facilities are to be provided in a new pumping station north of the site, within the New Monks Farm development site).
- The Club Hub will provide women's and girl's changing facilities, changing facilities for users of the community pitch, a gymnasium, swimming pool, classrooms, medical & treatment room, storage, offices and pitchside seating for up to 60 parents/coaches. The Club Hub building would be finished in white render with grey render feature banding.
- A 2 storey extension to the existing training centre building on its south side, 60m in length, on the site of the existing indoor pitch. The extension would be finished to match the existing building.
- The relocation of the indoor pitch southwards and the subsequent relocation and reorientation of the showpitch, also southwards, adjacent and parallel to the railway line. The existing spectator stand would also be repositioned to face south with the camera tower facing north. The floodlights would also be relocated.
- Provision of 3 new grass pitches on the eastern edge of the site, comprising 2 full size pitches, 1 half size pitch and training grids. These pitches would not be floodlit.
- The application has been revised to incorporate a 3 metre high closeboard fence along the southern boundary of the new pitches with 3.6m high ball stop fencing along the east and north boundaries.
- Construction access will be provided from the existing 'haul road' off the A27, thereby avoiding the need to access the site via Mash Barn Lane.

The site is bounded to the north and east by the land subject of application AWDM/0961/17 (NMF land) with Shoreham Airport further east. To the south the site is bounded by the railway line with sporadic residential development in Old Salts Farm Road beyond, just under 40m from the boundary. To the west there are dwellings in Barfield Park and Daniel Close.

The application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Noise Impact Assessment, Air Quality Assessment, Landscape and Visual Impact Assessment, Lighting Impact Assessment, Ground Investigation, Flood Risk Assessment, Energy Statement, Ecological Appraisal, Aviation Technical Note, Archaeological Mitigation Strategy and a Statement of Community Involvement.

It is alleged that works have commenced on site with extensive ground works taking place in the area of the proposed relocated showpitch on the southern boundary. The applicants have denied that these works are in connection with the current application, however, and have stated that they are resurfacing the pitches and installing undersoil heating only. The works have involved excavations and constitute an engineering operation which your officers have advised the Club requires planning permission. Depending on the outcome of this application, a retrospective application for these works may be required. Even if works have commenced Members will be aware that the application has to be dealt with on its planning merits irrespective of whether an element of the current proposal is retrospective.

Relevant Planning History

AWDM/0205/12 – Construction of a training ground and football academy for Brighton and Hove Albion Football Club with access from Mash Barn Lane, comprising 11 outdoor pitches (2 of which are floodlit), external training grids, a Y-shaped 2 storey building to house changing rooms, associated offices, medical facilities, gym, catering and leisure facilities, a grounds maintenance building, security lodge, half-sized indoor training pitch and small sub-station/boiler house/refuse and recycling structure, plus 303 car parking spaces, 25-30 cycle spaces, coach parking, on-site access roads, security fencing and landscaping around the site.

AWDM/0205/13 – Construction of 3no. additional football pitches (1 x grass, 2 x artificial) and relocation of reed bed on land to east of approved training ground. Continuation of acoustic fencing on northern boundary plus fencing and landscaping to site boundary.

AWDM/0171/14 - Installation of floodlighting to previously approved northernmost community pitch (amendment to planning permission AWDM/0205/13 for construction of 3 No. additional football pitches (1 x grass, 2 x artificial), relocation of reed bed, extension of fencing and landscaping to site boundary)

AWDM/0277/14 – Application for a minor material amendment to permission reference AWDM/0205/12 to enable replacement of half-sized academy pitch with a futsal (5 a side) pitch, 3G surface and running hill (max. height 2.5m)

AWDM1716/15 - Construction of spectator stand to accommodate a total of 500 people (to include 6 wheelchair and helper positions) and camera tower.

AWDM/0759/16 - Formation of a landscaped bund (north of training ground) and provision of an access (for maintenance vehicles only) to the Ground Maintenance Building and Community Pitch from Mash Barn Lane (with access for construction traffic to be from A27)

Consultations

West Sussex County Council: No objection from a transport/highways aspect subject to conditions relating to car and cycle parking and a Construction Management Plan.

Comments as follows:

Trip Generation

A robust trip generation exercise has been undertaken which predicts an additional 35 inbound vehicle movements between 7-8am and 35 outbound vehicle movements between 3-4pm. It is noted that these times are outside the network peak hours. The narrative notes that these movements have previously taken place at the training ground before being temporarily relocated to the Amex stadium. As such no concerns are raised about the trip generation potential.

Construction vehicles

Construction vehicles would access the site via the existing haulage road to and from the A27. A construction management plan is also to be conditioned.

Parking

It is proposed to provide 51 new car parking spaces, 4 of which will be disabled and 2 electric vehicle charging points. 8 new cycle parking spaces will also be provided.

Travel Plan

Whilst a Travel Plan was conditioned as part of the 2012 application to construct the original training facility and a commitment included within to conduct biennial TRICS SAM surveys no supporting data from this has been included within the submission. Therefore it is recommended that the travel plan is updated to take account of the proposed development and for this to include evidence that either:

- TRICS SAM surveys have been conducted (and if so what progress towards the target has been made) or
- TRICS SAM surveys will now be commissioned.

The County Archaeologist: No objection on archaeological grounds. The proposed archaeological mitigation measures should be provided for through the use of a suitable planning condition

Local Lead Flood Authority: Current mapping shows the majority of the site is at a low risk from surface water flooding. Any existing surface water flow paths across the site must be maintained. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.

The majority of the proposed development site is shown to be at high risk from groundwater flooding. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.

We do not have any records of historic surface water flooding within the confines of the proposed site although locations within the adjacent housing estate to the west of the site have experienced historic flooding. This should not be taken that this site itself has never suffered from flooding, only that it has never been reported to the LLFA.

The FRA included with this application proposes that the existing attenuation storage tanks will be used to control the runoff from the development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed - in particular whether the storage tanks have the capacity for the additional surface water run-off.

Please provide further information with regards to the 'relocation of the proposed New Monks Farm secondary flood defence bund to allow for the location of the proposed additional pitches at the east of the development site'. It states that it is 'agreed for the New Monks Farm Development' but details should be provided as part of this application.

Ordinary Watercourse Consent will be required for the diversion of the watercourse on the eastern boundary of the site.

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

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

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

Adur & Worthing Councils: The **Environmental Health** officer has made the following comments:

The site is an existing sports facility which is being expanded and the main points of contention appear to be the attended matches on the show pitch, the acoustic barrier and the lighting.

With reference to the Planning Noise Advice Document Sussex July 2015. <https://www.adur-worthing.gov.uk/media/media,121802,en.pdf> Chapter 4 Sports and Recreation, it is recognised that in some circumstances, the noise levels generated from these types of activities are likely to be higher than would normally be accepted for other development consents, such as industrial processes, because of the characteristics of the noise generated, the controls that are possible, and the pattern of use. For these activities, the LPA will need to take account of how frequently the noise will be generated and how disturbing it will be.

It is inevitable that noise from this type of activity will be audible. We are tuned to hear the character of human voices even when they exist at background levels. It will therefore be noticeable and disruptive and will create a low observable effect level. National Planning Policy Guidance 2014 (Noise) suggests in such circumstances that the noise should be mitigated and reduced to a minimum.

The applicant has acoustically assessed two locations for the match pitch, one suggested by the planning officer and their preferred site. Moving the pitch, as suggested by the planning officer, will provide marginal improvements for homes south of the railway line but marginal increases to property to the west of the site. The assessment considered worst case maximum noise from the matches and found these affected more significantly homes to the west of the site in the suggested position than if left in the preferred position. Therefore out of the two positions assessed the preferred position would be the optimum position for the match pitch.

Existing noise levels to the south of the training ground area are already fairly high and the operational noise from the proposed new layout and the evening matches will increase these levels marginally. The training ground has planning permission to play 25 matches a year, 10 of which will be played during the day. Therefore, the worst case increased noise created by matches will only be short lived events for a maximum 15 evenings a year. Data provided by the club on previous matches has shown so far that this number has not been reached and actual crowd attendances so far have been below what has been acoustically modelled for this application. Given the current use of the site, the planning controls restricting the number of matches and attenuation provided by the proposed 3 metre high close boarded fence, noise from the matches will be mitigated as much as possible and I have no objections to the application.

With regards the barrier, an acoustic barrier works by making sound diffract (bend) around the barrier to reach the noise receptor, during which process the level of sound at the receptor location is reduced in comparison with that without a barrier in place. The amount of screening attenuation depends upon the amount of diffraction. A barrier that just intersects the direct path (line of sight) between a source and receiver can provide 5dB attenuation at all frequencies. As the projection into the direct path increases, the amount of attenuation also increases, with better performance at higher frequencies than at the lower frequencies.

For most applications an acoustic barrier that significantly intersects the direct path may provide up to around 10dBA to 15dBA attenuation, depending upon a range of other factors. This is different to the amount of sound that can break directly through the barrier material, which must be somewhat lower than that diffracting around the barrier if its acoustic screening performance is not to be compromised. Making the barrier denser will not necessarily improve the acoustic attenuation of the barrier. This confuses the barrier materials' sound reduction index (how much sound is prevented from breaking through the material) and any screening attenuation (which is location specific and depends upon the source, barrier, receptor locations, etc). Therefore the barrier specification recommended by the applicant's acoustic consultant for this application will be sufficient.

Finally, having considered the lighting assessment, I can confirm I have no adverse comments to make on this matter. There are only 15 evening games allowed each year so the lighting will not be a permanent feature. Also LED lighting can be dimmed and when matches have finished the lighting can be reduced to further minimise the impact until the area has been cleared at which time they will be turned off.

The **Engineer** has no objection. Comments that the site does lie in Flood zone 3, but is protected by the EA Tidal Walls scheme, it is in an area of high ground water, and low permeability might cause issues with surface water infiltration. However the designers have taken these points into consideration and effectively reduced their impact to acceptable risk levels.

My concerns are whether the existing surface water recycling tank and pitches can accommodate the additional runoff from the new buildings. The FRA states that the pitches and other green areas can accommodate the extra flow – what happens if these are already saturated? Are these potential flows now included in the Monks Farm Assessment?

I would also ask, what happens in the event of a failure of the sewage pumping station – which ultimately will take all the flows from the football club and the Monks Farm development – where is the storage capacity in the system?

Finally at 7.3.5 of the FRA there is reference to the relocation of the secondary bund - are there any details?

Whilst I would like answers to the above, I do not see that there is any reason to raise an objection to this application.

{NB a response has been received from the applicant's drainage consultant and is reported under the Drainage section later in this report}.

The **Planning Policy Manager** has made the following comments:

The existing footprint of the Academy lies within the Built Up Area Boundary (BUAB) as defined within the Adur Local Plan 2017. Part of the development is on land outside of the BUAB, and therefore within the Local Green Gap and Countryside as indicated on the Policies Map.

An additional two pitches to the eastern boundary were agreed at Adur Planning Committee on 3rd October 2018 (subject to Secretary of State determining whether to call in the application and the completion of a S106 Agreement), as part of the New Monks Farm development (AWDM/0961/17) and therefore the principle of this development has been accepted. This application will effectively relocate these two additional pitches further south to make room for the training grid to the north. As a result the proposed landscaping between the proposed homes and pitches to the south (which form part of application AWDM/0961/17) will not be delivered, and the training grid will back directly onto residential properties. There are therefore issues of impact on homes in terms of noise and potentially lighting. I note the proposal includes development of floodlighting. Policy 15: Quality of the Built Environment and Public Realm states that lighting incorporated into developments should illuminate the target only and avoid light pollution. The lighting should be carefully controlled to ensure minimal overspill into countryside and Local Green gap area and any nearby residential properties.

The relationship between the facilities of the Football Academy, and the surrounding countryside and residential areas is important. However, the supporting material indicates that the additional pitches will not be floodlit, and will be surrounded with acoustic fencing; these principles should be secured through condition to ensure this remains the case.

In policy terms there is therefore incursion into the LGG and countryside, (further south than established by AWDM/ 0961/17) contrary to policies 13 and 14 of the Adur Local Plan; the relocated pitches do not constitute 'quiet, informal recreation' as required by Policy 13. However given that the principle of these pitches has been accepted by AWDM/0961/17 and that the proposed extension is bounded by the railway line to the south, and proposed Country Park to the east, in this specific case there is no policy objection. (Should AWDM/0961/17 not be implemented a reconsideration of factors including boundary treatments, etc should perhaps be reviewed).

It should be noted that the area of disused agricultural buildings does not constitute brownfield land as stated in paragraph 6.4 of the Design and Access/ Planning statement as agriculture does not constitute development in planning terms.

Environment Agency: No objection

Highways England: Recommend condition requiring a Construction Management Plan be attached to any planning permission that may be granted:

Southern Water: Request following conditions are imposed on any consent:

“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development”

{NB this appears to be an incorrect condition as the consultation response refers to dwellings}

“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”

Natural England: No comment.

Lancing Parish Council: Lancing Parish Council objects to the proposed Brighton & Hove Albion Training Ground Planning Application (AWDM/0236/19) on the following grounds:-

- 1) Severe flood risk to residents residing around the Training Ground and beyond;
- 2) The development will have a negative impact on the environment destroying ecology, wildlife habitats, including a loss of trees and hedgerows which breaches the Wildlife and Countryside Act 1981 and the European Habitats Directive 1992/Nesting Birds Directive;
- 3) The proposal is an overdevelopment of the site;
- 4) The development will create additional noise nuisance and there will be an overall disturbance from the scheme;
- 5) The increase in traffic flow from the development will heighten pollution levels to an area that is already above acceptable levels.

Sport England: Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

The Football Foundation on behalf of the FA have now informed me that they are content with the new information provided following their previous queries and fully

support this project, which is also considered to be providing new facilities to meet demand.

This being the case, Sport England does not wish to raise an objection to this application.

This planning application will allow the Club to introduce further First Team facilities that are now considered 'best-practice' in the Premier League, and development of a Club Hub which will provide dedicated facilities for their Women's and Girls' teams and 'Albion in the Community'. This will widen the community offer available on site through programmes delivered by AITC. There is an existing Community Use Agreement on the site, from previous investment. As part of this project, AITC have consulted with a number of community football clubs/users. In order to secure this community use, the FF would want an updated Community Use Agreement to be provided, to be agreed with Football Foundation and Sussex County FA, in line with the intended use for the site. This element could be determined by way of a condition.

South Downs National Park Authority: It is clear that the training ground is highly visible from the South Downs National Park and also from designated heritage assets within the National Park, such as the Grade I listed Lancing College. Accordingly, the proposals are within the setting of these designations and due regard should be had to the potential impact upon them and, in the case of the National Park (NP) designation, how this engages the statutory purposes and duty of the NP.

Whilst the proposal does not raise any overriding concerns, given the scale of the existing development, it is requested that consideration is given to the following:

- The impact upon the tranquility and dark skies of the NP
- The necessity of any additional lighting
- The impact of the external finish of buildings upon views out of the NP

Network Rail: No comments received

Civil Aviation Authority: No comments received

Shoreham Airport: No comments received

Natural England: No comments

Representations

13 letters of objection received from the occupiers of 9 Glebe Way, 52 Barfield Park, 228 Brighton Road and from Bramble Farm (3 letters) and Fidelis (2 letters) in Old Salts Farm Road, from occupier of a unit at Shoreham Airport (2 letters), 1 unspecified address and an address in Bognor Regis:

- More green space being developed and consequent loss of area for water to percolate into ground soil.
- More traffic movements and therefore further degradation of air quality
- Residents will have to endure more traffic, loss of privacy and traffic noise
- Overdevelopment
- Relocation of showpitch, spectator stand and floodlights will impact on properties south of the railway line
- Pitch should be moved northwards, nearer to the car park, to minimise crowd noise and light pollution
- Impact of light glare on train drivers must be considered
- This application should be considered only if the LPA is satisfied that a proper aerodrome safeguarding study shows that the development will not affect aerodrome operations at Shoreham Airport and an aerodrome safeguarding plan is lodged with the LPA rather than rely on a report commissioned by the developer.
- Current aviation report is inaccurate
- Civil Aviation Authority should comment on impact to the airport
- Work has already started without permission and at unreasonable hours
- Will have even greater impact on our lives
- Already suffer from noise generated from the site as demonstrated in audio footage submitted to the Council
- Change in direction of the stand to face south will worsen impact
- If BHAFc showed any consideration to residents then the show pitch would be relocated to the east of the indoor pitch
- Noise complaints have been submitted to Environmental Health which have failed to rectify the impact
- Contravenes Human Rights Act and the right to peace and quiet in home
- Will hold the Council responsible if approved
- Increased light pollution
- There are no streetlights in Old Salts Farm Road
- Basic human right to be able to rest at night and to enjoy night sky without pollution
- There is a right to fly and land a helicopter at our property. The ability to do this will be affected by tall floodlights and light glare
- Football Club has constantly pushed the boundaries and has duped the community into believing that this site would be an asset
- Local community has not benefitted despite inflated claims of the Club
- Overdevelopment
- Out of keeping with the area
- Failure of officials to visit to assess impact
- Why can't under 23 matches be played at the Amex stadium?
- Daily exposure to noise from machinery working at the ground
- Noise from loud singing, chanting, foot banging, cheering from stand plus shouting from pitch and touchline
- Fireworks set off on one occasion
- Parties with loud music audible from covered pitch
- Unable to sit and relax in own garden

- 4m high fence will have adverse impact on views
- Any fence to be installed should be a proper acoustic design
- Unnecessary to build separate women and girls facilities. Why can't facilities be shared in the main building?
- The Club 'drip feed' more and more development – this is the 6th planning application in 4 years
- Council should concentrate on regenerating the village of Lancing rather than swamp it with yet more football pitches
- How many pitches does the Club need?
- Will add to problems of existing failing sewer system
- Extra surface water run-off will worsen drainage problems
- Unacceptable inconvenience for residents, particularly in conjunction with NMF/airport applications
- Should not develop on local green gap and floodplain
- An acoustic fence was never provided
- Why is community pitch being used by the women and girls team

19 letters of support received from the occupiers of 7 Manor Road, 14 Manor Close, 8 Seaside Road, 3 Greenoaks, 41 Chester Avenue, 3 Fircroft Avenue, 2 Myrtle Road, 72 Shadwells Road, 9 Penstone Park, 8 Orient Road, 58 Hayley Road, 46 Greet Road Lancing; 4, 10 Arnside Close, 21 Beeding Close, 38 Abbey Road Sompting, plus addresses in Worthing and Horsham:

- Obvious benefits to the local area which has been neglected for years
- Those opposing are simply doing so for personal outdated reasons
- Fully support enhancement of women and girls' teams facilities
- BHAFC are very important to Sussex and need to remain at forefront of progression
- Training ground is a huge success but the Club needs to keep up with current developments
- More employment for the area
- Club has already invested a considerable amount of money into the area
- Club has excellent record of developing links with community and providing facilities for the disadvantaged and disabled
- Dedicated classroom will enable increase in education programme

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 5, 13, 14, 15, 18, 28, 30, 31, 32, 33, 34, 35, 36
National Planning Policy Framework (February 2019)

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

Countryside and Local Green Gap Policy

The existing footprint of the Training Ground lies within the Built Up Area Boundary (BUAB) as defined within the Adur Local Plan 2017 (ALP). Most of the development, including the new Club Hub building, will be located within the BUAB. However, the easternmost part of the proposed development is on land outside of the BUAB and therefore within the countryside as indicated on the Policies Map. Two of the new pitches and a training grid are also within the Local Green Gap. Policy 13 of the ALP states that *“Outside of the Built Up Area Boundary (as shown on the Policies Map), development will only be permitted where the need for a countryside location is essential; it is for quiet informal recreation or the essential needs of agriculture or horticulture, flood management, or is otherwise consistent with this Local Plan (or subsequent DPDs).”*

Policy 14 of the ALP states that such areas will be protected in order to retain the separate identities and avoid coalescence of these settlements (Lancing/Shoreham-by-Sea). It states that, *“Within these areas any development permitted must be consistent with other policies of this plan, and must not (individually or cumulatively) lead to the coalescence of settlements.”*

However, the additional two pitches to the eastern boundary were agreed at Adur Planning Committee on 3rd October 2018 (subject to Secretary of State not calling in the application and the completion of a legal agreement), as part of the New Monks Farm (NMF) development (AWDM/0961/17). Whilst, the Council is still awaiting the Secretary of State’s decision, the principle of such development within the Gap has been previously accepted by Planning Committee. This application will effectively push these two additional pitches further south to make room for the training grid to the north. No floodlights are proposed on these pitches. Additional pitches are also proposed on land formerly occupied by North Barn Farm, which has recently been demolished, to the south east of the existing Training Ground site. This land is outside of the Local Green Gap but is within the Countryside.

The proposed development would conflict with the above policies in that formal sport facilities such as football cannot be defined as a quiet recreational use. However, this application does not propose any additional buildings, car parking or lighting within the countryside or Gap. The proposed development will maintain a largely open landscape, albeit formally laid out as pitches with formal landscaping and fencing.

In light of the resolution to grant permission for these pitches under AWDM/0961/17 and that the proposed extension is bounded by the railway line to the south, and proposed Country Park to the east, in this specific case there is no policy objection, notwithstanding current countryside and local green gap policy.

Design, Layout and Landscape/Visual Impact

In terms of the wider landscape impact, a Landscape and Visual Impact Assessment (LVIA) has been submitted. The existing Training Ground buildings, particularly the covered pitch, are prominent features in the landscape and the main consideration is what impact the additional buildings and development will have on the wider landscape, taking into account the existing buildings and the resolution to grant the New Monks Farm housing development on land to the north and east. Notwithstanding the New Monks Farm development proposal, the land to the north is allocated for housing and commercial development in the adopted Local Plan.

The LVIA considers that there would not be a significant change in the landscape character of the area. It states that that additional pitches lie outside the site boundary on an area currently identified for additional pitches in the NMF application. It does not consider that the extension to the main building or the relocation of the covered pitch would result in a *“noticeable alteration to the existing landscape character”* although it does acknowledge that such development *“would increase the amount of visible built form from the north and east.”* It also acknowledges that the Club Hub would have a *“minor impact on the site character due to the land use change from sports pitch facilities to built form”* (actually a change from reed bed and unauthorised temporary changing facilities). It would also have a *“minor adverse impact on the openness of the site and its immediate context.”*

The LVIA concludes that the NMF and Shoreham Airport developments will potentially generate significant landscape and visual impacts and that the proposed development at the Training Ground should be viewed in that context.

The National Park Authority has stated that *“it is clear that the training ground is highly visible from the South Downs National Park and also from designated heritage assets within the National Park, such as the Grade I listed Lancing College.”* They have requested that careful consideration is given to the impact of the external finish of buildings upon views out of the National Park. In particular, the large white dome of the covered pitch is an obtrusive feature in the landscape. It is not considered that the relocation of the covered pitch further south would have any increased impact in longer views from the north and east. However, the Club was asked whether it would provide an opportunity to seek a more muted colour for the covering but the Club has advised that the light white colour is essential in order to allow natural light onto the indoor pitch.

The extension to the main training centre and the relocation of the indoor pitch will extend built form further south and will present a ‘longer’ line of buildings particularly when viewed from the north and east. The new club hub building will also present a

considerable length of built form along the northern edge of the site which will be prominent in views from the National Park to the north and east.

However, it is necessary to take into account the potential more significant developments proposed to the north and east which have been approved by Committee but which are still pending due to a possible call-in by the Secretary of State. Notwithstanding the outcome of that application, the site is allocated in the Adur Local Plan and residential development can be reasonably expected to come forward on the land directly to the north of the training ground. Therefore, when seen in the context of that expected development, the proposed extension of the training ground facilities is not considered to have a significant adverse impact on the landscape character of the area or the setting of the National Park.

Transport and Parking

The site will continue to be accessed from Mash Barn Lane to the west. All construction traffic will access the site from the A27, via an existing haul road across the NMF land.

A Transport statement submitted with the application states that the Training Ground currently experiences on average a total weekday flow of 800-900 movements, which is largely as initially predicted when the original application for the Training Ground was submitted in 2012. Weekend movements average 700 movements, which is more than double that originally predicted.

The reorganisation of the pitches, provision of additional pitches and the extension to the main building are not anticipated to result in a “significant” increase in staff numbers and no changes to the parking layout is proposed. No material change in the number of vehicular movements is expected either.

The Club Hub will generate a need for more parking and 47 new spaces are proposed on the northern edge of the site. The Club Hub will accommodate the Girls’ Regional Talent Centre (RTC) and Women’s Reserve Team which are being relocated from the main building on the site and will therefore not generate any additional traffic. The Hub will also accommodate the Women’s First Team (approximately 35 players and staff) who currently train off site at the AMEX stadium in Falmer. These will be additional movements therefore, which are likely to be outside of peak hours. It should be noted, however, that these are movements that have previously taken place at the site before the First Team was temporarily relocated to the AMEX stadium.

One of the major concerns of local residents previously had been the impact of traffic associated with the proposal on the local highway network and on residential amenity. West Sussex Highways have raised no concerns about the trip generation potential associated with this development and, given the relatively low level of increased traffic anticipated in the Transport Statement, it is not considered that there any sustainable highway reasons to refuse the application.

Noise and Residential amenity

A Noise Impact Assessment has been submitted to assess the impact of the relocation of the indoor pitch, the show pitch and spectator stand, three new pitches and reconfiguration of the training ground. It notes that the pitches are used on a rotation system and that there would not be an occasion when all are in use at the same time. In general, only 3 or 4 pitches and 1 training grid are in use at any one time. More pitches are in use during the summer evenings than in winter, when usage is limited to the floodlit and indoor pitches only.

The noise data predicts that those dwellings to the south of the railway line (Fidelis, Bramble Farm and North Barn Kennels) would experience internal noise levels which would exceed the Lowest Observed Adverse Effect Level (LOAEL) of 30dB LAeq as defined in the Noise Policy Statement for England. This is the level above which adverse effects on health and quality of life can be detected.

The Noise Assessment argues that as residual (background) indoor noise levels already exceed the LOAEL by a considerable amount (46-47 dB LAeq) and that *“the nature of the sound experienced from the training ground would remain similar to the current situation, the impact of the proposed development would be minimal and the small change in internal noise levels is unlikely to be perceptible.”*

Notwithstanding the conclusions of the noise assessment, there is concern that moving the showpitch and stand closer to the southern boundary (and reorientating the stand so that it faces south rather than west as is currently the case) could have an increased adverse impact on the amenities of those residents in the dwellings identified above. The occupiers of Fidelis and Bramble Farm have submitted detailed representations and audio visual recordings demonstrating the level of noise that they currently experience from the site. Noise appears to be largely from machinery operated at the site (lawnmowers, strimmers, and leaf blowers) but noise was audible from the showpitch and stand, particularly during one match where loud chanting could be heard. It is understood that this was a “one-off” but nevertheless, bringing the pitch to the southern edge of the site, closer to the affected dwellings, does raise concerns. The Club was asked to consider relocating the pitch to a less unneighbourly position, such as further north to the east of the main building. The Club has indicated that, for operational reasons, it would not be possible to move the showpitch to that location as it is within the Academy area. The site is split between the Academy and First Team and facilities are not shared. The showpitch is used by both the First Team and the U23s and it must therefore be located in an area which is easily accessible by both.

The Club was then asked whether it was possible to relocate the showpitch immediately north, swapping places with the training grid shown to the south of the relocated indoor pitch. This would result in the showpitch remaining in the same area for operational reasons but it would be further from the nearest houses. However, the Club has stated that,

“the area to the north of the relocated showpitch is reserved in case further expansion is required in the future to ensure compliance with Category 1 standards. The proposed location is also required as operationally it allows greater control and access for visitors, scouts, friends, family, attending the showpitch. The technical evidence we have submitted with the Planning Application confirms that the proposed development will not cause any significant harm to amenity. It must also be taken into account that this is relocation of an existing facility which is only used for spectator matches a few times a year (15 evening matches with over 100 spectators since the Pitch opened in 2016) and otherwise used for First Team training three mornings a week. The number of times it can be used by spectators is controlled by an existing condition, effectively meaning that in any one season there can only be 15 matches occurring in the evening with attendance of over 100.”

The Club's acoustic consultants have also submitted a revised report indicating that any reduced noise level to residents to the south would be imperceptible and it would create an increase in noise levels to dwellings in Barfield Park to the west, although it should be noted that it would be closer to its existing position if it were to be moved further north.

The supplementary noise report now also proposes a 3 metre high close boarded fence along the full extent of the southern boundary to replace the existing 2m high fence. It states that a fence higher than 3m is not required in order to provide adequate noise mitigation. It is agreed that a taller fence would have amenity impacts in terms of loss of outlook for nearby residents. It should be noted that this will be a closeboard fence rather than an acoustically designed fence, but the applicant's noise consultants have advised that such fencing will provide effective mitigation and this view is supported by the Council's Environmental Health Officer (EHO).

The pitch will be in excess of 40m from the nearest dwelling, separated by the railway line, while the stand will be over 110m away. Whilst, there is some sympathy for the affected residents in Old Salts Farm Road, in the light of the submitted technical evidence, and the lack of objection from Environmental Health, it is difficult to argue that the proposed development would result in a demonstrable harmful increase in noise disturbance to local residents compared to existing noise levels. There are, therefore, no grounds to refuse the application on loss of amenity in relation to noise disturbance.

In the north east corner of the site it is proposed to site the club hub building and a new training grid. The training grid in particular will impact on the proposed new houses as indicated on the layout plan submitted with application AWDM/0961/17. The grid will remove a landscaped buffer and will bring the Training Ground immediately adjacent to the rear boundaries of several houses. This is regrettable and the Club was asked to redesign this corner to reinstate a buffer. However, the layout has not been amended and a 3m high closeboard fence has been added instead to act as a screen for the houses. While this will provide some acoustic protection, the proximity of the training ground to the new houses is rather close. Revisions to the housing layout may be possible instead.

Lighting and Residential Amenity

The relocation of the showpitch also results in the relocation of the floodlighting for that pitch, bringing it closer to the southern boundary and the houses in Old Salts Farm Road.

The applicants' lighting impact assessment confirms that the proposed lighting will not cause any significant harm to amenity. Each luminaire will be hooded to prevent light spillage and to direct light towards the pitch. The proposed 3m high fence will further mitigate any light spillage towards residents.

The EHO does not have any concerns about the impact of the lighting on the residents in Old Salts Farm Road, particularly as the floodlights will not be switched on all the time, there being only 15 evening games per year.

Drainage and Flood Risk

The applicants' Flood Risk Assessment states that the development will incorporate a sustainable drainage system that will retain all surface water on site via existing underground tanks for irrigation of the pitches and storm water storage. In extreme conditions overflow from the existing system into the Lancing Ditches can occur but applicant's drainage consultants have advised that the onsite as designed system has more than sufficient capacity under the new pitches to accommodate the 100 year plus 40% event.

Foul water will now be discharged to a new pumping station which is to be constructed on land to the north of the site (within the applicant's ownership) and which will replace the existing reed bed treatment system. In response to the Engineer's query about possible pump failure, the applicant's drainage consultant has responded as follows:

"The foul storage, in the event of pump failure of both the duty and standby pumps in the proposed adoptable pumping station, is located in the upstream foul water pipe network in both the New Monks Farm Site and between the gravity connection from the Training Ground boundary and the Pumping Station. All storage is located below the lowest private lateral connection and has been agreed with Southern Water as part of the ongoing Section 104 Application for that development. The storage for the training ground development is in the gravity pipework upstream of the foul pumping station. The pipe system in this section incorporates approximately 145m of 600mm diameter pipework and provides over 40m³ of storage. The proposed pumping station and gravity network will be adopted by Southern Water and will have duty and standby pumps to minimise any pump failure."

Finally, with regard to the relocation of the bund referred to in the FRA, the applicant's consultant has stated that that in the event that the New Monks Farm development adjacent to this proposal proceeds it will be necessary to adjust the Flood Bund which

currently forms part of New Monks Farm Development to allow construction of proposed Pitch 17.

The Environment Agency and the Council's Drainage Engineer have no objection to the proposed drainage strategy.

Ecology

The applicant's ecology report concludes that no significant habitats will be affected by this development. While some habitat will be lost, particularly around the area of the former North Barn Farm, there were no protected species found. Works to demolish the barn and clear the ground have taken place under ecological supervision and outside of the bird nesting season.

In order to achieve biodiversity gain it is suggested that bird and bat boxes could be provided plus use of appropriate plant species in any landscaping scheme. This can be secured by condition.

Archaeology

A written scheme of archaeological investigation has been submitted which outlines proposed archaeological mitigation measures. The County Archaeologist has no objection subject to the use of a suitable planning condition to secure such measures.

Impact on Shoreham Airport

An aviation report submitted with the application had originally calculated the transition slopes incorrectly. A revised report has been submitted which has now corrected this calculation. It concludes that the proposals are compliant and the development will have no impact on the safe operation of the Airport. Proposed buildings are moving closer to the approach and take-off slopes while 3no. floodlights will now be underneath the approach and take-off slopes. However, all structures will be just over 18m underneath the slope (the floodlight farthest to the east), with this clearance height increasing further to the west.

Brighton City Airport has written to confirm that they have consulted with the CAA and it has no objection to the development.

Sustainability and Energy

The development is proposing to use efficient insulation, ventilation and lighting as well as air source heat pumps to provide heating to all spaces where cooling is also required. PV panels are also proposed to meet the 10% carbon emissions saving requirement of Policy 19 of the Adur Local Plan (117 on the training centre extension and 208 on the club hub). The development aims to meet the BREEAM 'Very Good' rating, as required by Policy 18.

Community Use

The proposed club hub would significantly improve the facilities for users of the community pitch providing dedicated changing facilities to replace the unauthorised portacabins currently in use. The club hub will also be the main centre for the women and girls teams. Clarification was sought as to how this may impact on the availability of the pitch by the community and the applicant's agent has responded as follows:

"The Women & Girls Elite team train on grass and therefore will be using the new grass pitches 16 and 17 and training grids on north side of these two new pitches. Clearly it makes sense to combine their facilities with the AITC facilities alongside the community pitch. The Women & Girls Regional Talent Club already use the Community pitch and is part of the Women & Girls Development programme jointly managed with AITC which is very much in line with the existing Community Use Agreement.

Consequently there will be no reduction in the availability of the Community Pitch. Over the years since the pitch has been in use we have seen steady growth in the number of hours it is being used and number of participants."

On this basis, there is no concern that use of the community pitch will be adversely affected by this proposal and the improved facilities are of a significant benefit to the local community in terms of enhanced sports provision. Sport England has indicated that an updated Community Use Agreement should be secured by way of condition.

Recommendation

Recommend that planning permission be granted subject to the following conditions: -

1. Approved Plans
2. Standard 3 year time limit
3. Materials to be agreed prior to construction above slab level
4. Foul sewerage facility to be provided prior to first use of extended training centre or club hub
5. Suds maintenance details to be agreed
6. All operations associated with the development hereby permitted shall be carried out and completed in accordance with the approved Archaeological Mitigation Strategy and Statement of Significance and with the approved Written Scheme of Investigation for Archaeological Excavation and Monitoring under Archaeological Supervision and Control, unless otherwise agreed in writing by the County Planning Authority.
7. Fencing to be erected before new pitches are first brought into use
8. Approved parking spaces to be provided prior to first use of club hub
9. Construction access from A27 only. This access not to be used once facility is open.
10. Construction Management Plan to be submitted and approved

11. The use of the football pitches hereby approved shall be limited to between the hours of 9am until 10pm every day
12. Landscaping to be provided in accordance with plans within first planting season following completion of the works
13. Floodlighting shall be limited to Pitch Nos 4, 11 and 13 as shown on drawing no. 18827-KSS-ZZ-ZO-DR-A-9004 rev P1 received 14 February 2019 and the floodlights shall be switched off between the hours of 10.15pm and 9am every day and all other external lighting at the facility shall be switched off between 11pm and 7.30am, with the exception of security lighting. Floodlighting of the showpitch (Pitch 4) shall only be switched on during matches watched by spectators with tickets which shall be limited to a maximum of 25 times per season (1 July - 30 June) as specified in condition x.
14. No public address or sound amplification system to be installed or used
15. Hours of work for construction 8am to 6pm Mondays to Saturdays
16. At no time shall the facility be used in connection with any park-and-ride scheme
17. The training facility and club hub hereby approved shall not be open other than between the hours of 7.30am and 11pm every day
18. The development hereby approved shall incorporate renewable energy technology in the form of air source heat pumps and PV panels in accordance with details to be submitted to and approved in writing by the local planning authority before construction above slab level. The development hereby permitted shall not be occupied unless and until a BREEAM Design State Certificate and a BRE-issued Post-Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' has been submitted to the Local Planning Authority.
19. No part of the development hereby permitted shall be occupied until an updated Travel Plan has been approved in writing by the local planning authority and implemented. The Travel Plan shall demonstrate that either TRICS SAM surveys have been conducted (and if so what progress towards the target has been made) or that TRICS SAM surveys will now be commissioned. It shall also include arrangements for monitoring and effective enforcement with any necessary new measures or interventions implemented accordingly.
20. All matches on the showpitch with over 100 spectators shall be ticket only and booked in advance with no sale of tickets on the day at the Training Ground. The number of ticketed spectators watching any match shall be limited to a maximum of 500. The number of matches watched by spectators with tickets shall be limited to a maximum of 25 per season (1 July - 30 June), with a minimum of 10 of these matches to be completed before 4pm on the day of the match, with the number of matches to be played in the first season or part thereof following completion of the construction of the stand to be worked out on a pro-rata basis and agreed in writing with the local planning authority prior to first use of the stand. Details of the number and dates of ticketed matches, the times they were played and the number of spectators that attended shall be made available to the local planning authority on request.
21. The rear door panels on the camera tower hereby permitted shall be closed at all times other than when hoisting equipment to and from the tower

22. Before the stand hereby approved is first used, details of the proposed arrangements for managing parking demand during ticketed matches shall be submitted and approved by the local planning authority in consultation with West Sussex County Council Highways and the agreed details shall be incorporated into the previously approved Travel Plan for the facility. Such details shall also include the proposed method for advising spectators and visitors to adhere to speed limits and to respect the amenity of neighbours when entering and leaving the facility.
23. Pitch 13 as identified on drawing no. 18827-KSS-ZZ-ZO-DR-A-9004 rev P1 received 14 February 2019 shall be reserved for community use.
24. Evidence of biodiversity gain to be submitted before construction above slab level and thereafter implemented
25. The development hereby approved shall not be brought into use until an updated Community Use Agreement has been submitted to and approved in writing by the LPA in consultation with Sport England

13th May 2019

Application Number: AWDM/0337/18

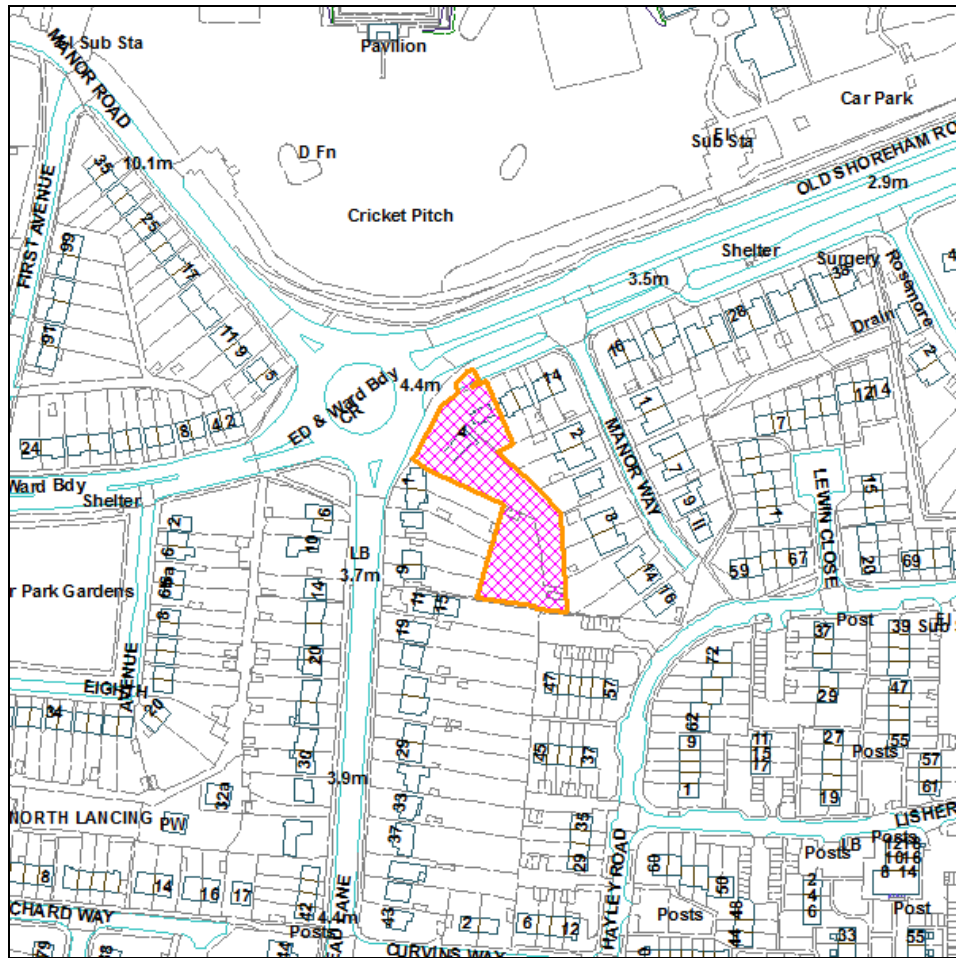
Recommendation: APPROVE

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

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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 (LLFA) / Adur District Council Technical Services

Both West Sussex County Council and the Council's Technical Services section have commented a number of times on the application, initially raising an objection to the development on each occasion. A report was prepared for the January meeting of the Committee recommending refusal of the application on the basis of the objections received on such grounds, but the application was withdrawn from the Committee pending further negotiations. A meeting was subsequently held between the applicant's drainage consultant, WSCC and the Council, following which further information was submitted. This has led to the following comments:

West Sussex Lead Local Flood Authority (LLFA)

1.0 Introduction

1.1 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 local flood risk.

1.2 Detailed comments have been provided by the LLFA on 6 previous occasions:

- a) on 1 May 18 (Reference A);
- b) on 25 Jul 18 (Reference C) following the Applicant's Response to the LLFA's earlier comments (Reference B).
- c) on 12 Nov 18 (Reference E) following review of the updated FRA 1.1.
- d) on 14 Jan 19 (Reference H).
- e) on 2 Apr 19 (Reference L).
- f) on 16 Apr 19 (Reference N)

1.3 At the request of Adur-Worthing Council the LLFA has now reviewed the most recent response to WSCC Comments (Reference O) and has been asked to formally respond to the same.

2.0 LLFA Position

2.1 The land raising issue discussed in References N and O, albeit only affecting a 3m strip, could technically create additional flow routes onto the lower lying land of the neighbouring gardens. The applicant can and should address this – by ensuring that the flows are intercepted. This could be done by a wall / drain / combination of the two.

2.2 The LLFA recommends that this level of detail is sought from the applicant via a pre-commencement condition.

2.3 The following pre-commencement conditions are recommended for incorporation in any grant of planning permission.

Pre Commencement Conditions:

1. No work is to commence until further details of the boundary arrangements at the south eastern boundary have been clarified to demonstrate that there is no risk of excess run-off from hardstanding areas onto neighbouring properties resulting from changes in levels / ground permeability.

Justification: NPPF paragraph 155...Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

2. No work is to commence until a bond of £1000 has been paid to Adur District Council to cover the cost of monitoring the installation of drainage to ensure that it is installed as per the approved design and does not increase flood risk to neighbouring properties.

Justification: The criticality of levels in drainage construction (in relation to seasonal groundwater levels) and existing ground levels (in relation to surface water flow routes) for the system necessitates scrutiny by the council's drainage engineers given the high flood risk pertaining to the site / neighbouring properties.

Pre-occupation condition / clause within S106 agreement if one is being drawn up?

3. No building is to be occupied until a maintenance schedule for the drainage has been approved by Adur District Council. The schedule needs to set out how the long term management of surface water and maintenance, being any works, operation, repair, replacement and inspection necessary to ensure minimum standards of operation of SuDS will be undertaken and secured for the Lifetime of the Development by the Management Company which shall comprise:

- (a) design criteria including manufacturers' specifications where appropriate;
- (b) maintenance schedules and frequency of operations, whether regular, occasional, remedial or monitoring action;
- (c) timescales for the replacement of any elements to ensure effective operation of SuDS / drainage infrastructure including equipment parts;
- (d) upkeep of public areas and any private areas within the curtilage of a shared development;
- (e) establishment of a Management Company;

Technical Services

The site has been raised with unsuitable road planning material in the past – All this material is to be removed before any development commences, this is to be a condition of any planning approval.

I can see that the latest drawing, 22971/251/B shows access to the two properties has been set 150mm below the FLL, (which is set at 3.1m required to meet EA flood depth requirements), which requires modest land raising to permit access to the two properties, I do not consider this to be wholesale land raising.

Looking at drawing 22971/251/B, any ground raising will not, in my opinion, affect ground water flows, which will tend to flow towards the open ditches. Any surface water will flow from the two rear gardens towards the two houses and then into the voided paving, if for any reason surface water continues on the surface it will flow into the ditches, before flowing off site

Whilst, I do not approve of the proposals to develop this land, in my opinion if the developer is required by condition to construct all the elements of the drainage shown on the drawings and contained within the various correspondences, then I cannot see that the proposals will increase flood risk elsewhere and that the design will deliver a feasible scheme.

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

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.

The Highways section subsequently commented on 2 separate occasions that the required audit had not been received, but following clarification from the agent, confirmed in February that *the points of the Road Safety Audit appear to be in order and the Designer has agreed to the points raised.*

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>.

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 NPPF (CLG 2019)

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 did require clarification that the required Road Safety Audit had

been updated. The clarification was provided in February (it appeared that the County Council had not initially received the updated details).

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 always been 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. Irrespective of the decision regarding this planning application, it will be necessary to ensure that a timescale for the removal of this hardstanding is agreed. This can be secured by condition.

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. By January of this year, such agreement had not been reached leading to the preparation of a report for the January meeting recommending refusal on flood risk grounds primarily due to an objection from West Sussex County as the Lead Local Flood Authority. The application was withdrawn from the January agenda pending a meeting between the respective parties which took place in early March. The meeting was lengthy and detailed and led to the submission of additional information from the applicant's consultant which, has led, finally, to the withdrawal of any objections from

both the District and County Council. The main remaining issue appeared to be the possibility of creating additional flows into lower lying neighbouring gardens, but it has now been accepted by the consultees that this could be controlled by condition.

In light of this conclusion, there are now no grounds to resist the application on flood risk grounds and to do so in the absence of a technical objection on such grounds could lead to an award of costs in the applicant's favour should an appeal be pursued.

In conclusion, therefore, it is recognised that there have been justifiable concerns raised by neighbours and consultees in respect of this site. These have been examined in considerable detail, exemplified by the length of time this application has taken to be determined and that an unsightly building, since the fire damage, has been visible from one of the main intersections in the District for some considerable period. It is clearly in the interest of the visual character of the area to achieve a successful redevelopment of the site and given the withdrawal of the last remaining technical objection in respect of the scheme, it is accordingly recommended that permission is granted.

Recommendation

To GRANT permission subject to the following conditions:

- 01 Approved Plans
- 02 Full Permission
- 03 No work is to commence until further details of the boundary arrangements at the south eastern boundary have been clarified to demonstrate that there is no risk of excess run-off from hardstanding areas onto neighbouring properties resulting from changes in levels / ground permeability.
Justification: NPPF paragraph 155...Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 04 No work is to commence until a bond of £1000 has been paid to Adur District Council to cover the cost of monitoring the installation of drainage to ensure that it is installed as per the approved design and does not increase flood risk to neighbouring properties.
Justification: The criticality of levels in drainage construction (in relation to seasonal groundwater levels) and existing ground levels (in relation to surface water flow routes) for the system necessitates scrutiny by the council's drainage engineers given the high flood risk pertaining to the site / neighbouring properties.
- 05 No building is to be occupied until a maintenance schedule for the drainage has been approved by Adur District Council. The schedule needs to set out how the long term management of surface water and maintenance, being any works, operation, repair, replacement and inspection necessary to ensure minimum standards of operation of SuDS will be undertaken and secured for the Lifetime of the Development by the Management Company which shall comprise:
 - (a) design criteria including manufacturers' specifications where appropriate;

- (b) maintenance schedules and frequency of operations, whether regular, occasional, remedial or monitoring action;
 - (c) timescales for the replacement of any elements to ensure effective operation of SuDS / drainage infrastructure including equipment parts;
 - (d) upkeep of public areas and any private areas within the curtilage of a shared development;
 - (e) establishment of a Management Company;
- 06 Hours of construction and demolition restricted to 8-6 Mon to Friday and 8-1 Saturdays with nor working on Sundays or Bank or Public Holidays
- 07 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.
- 08 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.
- 09 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.
- 10 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.

- 11 No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and the environment and to comply with policy AB26-27 of the Adur District Local Plan.

- 12 No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

Reason: In the interests of visual amenity and to comply with saved policy AH2 of the Adur District Local Plan.

- 13 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), no windows or other openings shall be formed in any side wall of the dwellings hereby approved

Reason: To prevent overlooking and to comply with policy 15 of the Adur Local Plan

- 14 Within 1 month of the date of the permission for the development hereby approved, a scheme shall be submitted specifying the timetable for the removal of the unauthorised hardstanding on the site, together with details of any restoration of the site pending the commencement of the development hereby approved.

Reason: The retention of the hardstanding is unacceptable and should be removed prior to the commencement of development on the site in the interests of visual amenity and to ensure compliance with the agreed drainage solution.

Informatives

- 01 The developer must contact the Environmental Health section for a Demolition Notice prior to any demolition work.

- 02 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

- 03 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>.

13th May 2019

Application Number: AWDM/0086/19

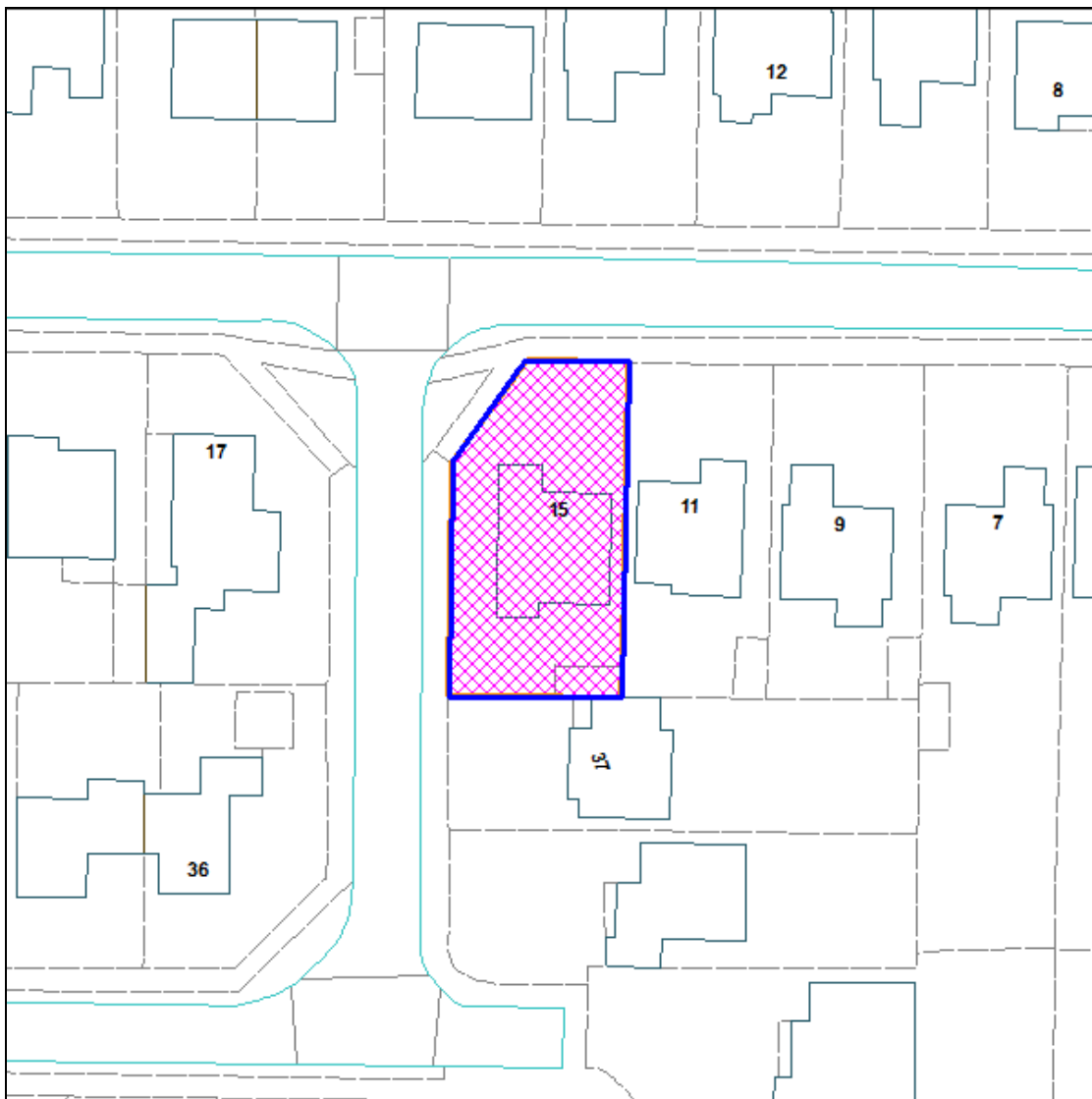
Recommendation – Refuse

Site: 15 The Marlinspike, Shoreham-by-Sea

Proposal: Remodelling of bungalow to form two storey dwelling including single storey rear extension and new first floor flat roofed extension to replace existing pitched roof.

Applicant: Ms Ally George
Case Officer: Eve Hearsey

Ward: Marine



Not to Scale

Proposal, Site and Surroundings:

The site is situated within the Shoreham Beach area, with The Marlinespike running parallel to Old Fort Road, which is approx. 100m to the south. No. 15 The Marlinespike is a detached bungalow on a corner site with East Meadway to the west. The front entrance door to no. 15 is facing onto East Meadway. The roofslope of the elevation directly facing The Marlinespike has a wide flat roof dormer, within an asymmetrical roof, i.e. gabled next to no. 11 The Marlinespike, and hipped to the elevation facing East Meadway. The building also has a forward facing single storey gabled section. There is a rear flat roof dormer and a rear conservatory.

The Marlinespike itself comprises predominantly red brick, pitched roof bungalows with many having flat roof dormers within their roofslopes, while the adjoining East Meadway comprises predominantly two storey dwellings of various designs.

The shape of the footprint of no. 15 is very nearly a rectangle, with the front north-west gabled section pulled forward.

The application seeks permission to remodel the existing form of the dwelling by:-

Ground floor:

1. removing many of the internal walls;
2. removing the rear conservatory;
3. squaring the dwelling off with an extension where the conservatory was positioned;
4. bricking up some of the ground floor windows and introducing newly positioned and different sized windows;
5. install a wraparound corner window on the north/west corner facing to The Marlinespike and East Meadway;

First floor:

1. remove the existing roof dormers;
2. remove the roof;
3. construct a square, flat roof dormer which will be of a large footprint than the existing dormers and will overhang the side, west, elevation;
4. provide a series of windows on the south elevation;
5. a wrap-around corner window on the north/west corner facing to The Marlinespike and East Meadway

Relevant Planning History: None

Consultations: None

Representations:

2 Letters of Support – 7 The Marlinespike and 37 East Meadway

- This is an exciting design for the Marlinespike.
- Modern yet sympathetic to the surroundings
- Hope it is approved
- Proposed design will be a big improvement on the tired and dated existing property
- In keeping with other developments on the Shoreham Beach

2 Letters of Objection – 14 and 16 The Marlinespike

- The proposal would radically alter the design, character and appearance of the current chalet bungalow so that it is unrecognisable from the original
- Detrimental effect on other properties in the road which, although differing slightly from each other, still retain the character and original features of the era in which they were built, late 1950s and early 1960s
- Unclear from the plans, but also concerned that the proposed alterations would considerably increase the height of the building and would block out more light than currently enjoyed at the front of my bungalow
- Does not conform in terms of design, appearance, materials or character
- The plans should be revised or refused

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15

'Supplementary Planning Guidance' No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework (2019)

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 relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the locality and the surrounding area.

Visual amenity

The Marlinespike is situated on Shoreham Beach with Old Fort Road situated approx. 100m to the south of the application site.

Unlike Old Fort Road, other than the provision of dormers and rear extensions, the dwellings within The Marlinespike are relatively unchanged, namely pitched roof bungalows.

The application seeks to alter the existing dwelling to become a modern, flat roof dwelling.

Currently, the existing accommodation comprises bedrooms facing the front and living rooms facing the rear (south), and the side elevation (east) is positioned approx. 1m from the boundary with No. 11. Windows/doors facing No. 11 are minimal with bathroom; side door and side elevation of the rear conservatory.

The separation distance from the rear of the bungalow to the neighbouring rear property, No. 37 East Meadway, is approx. 7m, with windows serving the rear conservatory; the lounge; and the first floor bedroom window facing south. A single storey pitched roof garage is positioned on the rear boundary with No.37 East Meadway and there is a timber boundary fence of approx. 2m height, both of which restrict overlooking onto the neighbouring properties.

Although the application states that it is remodelling the existing bungalow, in order to undertake the transformation, there would be very little of the internal walls remaining; and many of the existing windows and doors would be bricked up. A new side door positioned further north; a new rear (south) door; and a new entrance door at the north section, but facing east, will be provided. Most notably, the pitched roofs will be removed and the resultant dwelling will be flat roofed.

The rear ground floor extension will be to the same depth as the existing conservatory, but with the sliding glazed doors being to the south-west rather than the south-east of the current conservatory.

The properties to the east (No. 11) and south (No. 37 East Meadway) will thereby not be adversely affected by the proposed ground floor glazing.

The proposed first floor would be offset from the ground floor and would partially overhang the ground floor at the western end. The first floor will serve 1no. bedroom with an en-suite, and the main windows from this room will face south; with a further window (obscure glazed) on the east elevation; and a wraparound high level window on the west and north elevation.

The design of the building would be overtly modern in this traditional suburban street, its impact exacerbated by its prominent corner position. The front elevation lacks interest with only three high level windows at ground floor and one at first floor providing any relief from an otherwise blank façade. Dark cladding is to be used together with areas of render and the use of a gabion faced wall in wire cage. While such materials are present elsewhere on Shoreham Beach, they would be alien features in The Marlinespike and would not be in keeping with the more traditional use of materials which characterises the dwellings in the street.

The Marlinespike comprises predominantly detached bungalows some with and some without dormer and rear extensions. This street has not been disturbed by more 'modern' changes to their main characteristics. Thereby notwithstanding the addition of a dormer or two or even a small ground floor extension, they are still bungalows with pitch roofs.

East Meadway largely contains detached two storey dwellings, many of which have been altered and many have variant design, and there is a purpose built flat roof apartment block with associated flat roof garages within the complex but, again, the overall character and appearance of the street scene has not changed.

There is no doubt that changes to the existing and new properties have occurred within Old Fort Road, where there is a sea change in building design and materials, but this road is not adjoining the application site, but is divorced from it with East Meadway itself forming a barrier between them.

Paragraph 130 of the NPPF states that:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

Paragraph 131 goes on to advise:

*“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, **so long as they fit in with the overall form and layout of their surroundings.**”*

It is thereby concluded that the change in built form proposed on this corner site at The Marlinespike would represent an alien built form in the street scene which would be out of character with its surroundings.

Residential amenity

The windows that are proposed within the new dwelling have been positioned so as not to result in unacceptable overlooking to the neighbouring properties indicated

above. There has been consideration given to its relationship with the contiguous dwellings and thereby there is a general reduction in windows, or the ones that have been put in that may result in some form of overlooking are either high level or obscured. The ones on the ground floor to the south will view onto a fence and an existing garage, thereby not resulting in material harm to the neighbouring property.

Recommendation

REFUSE for the following reason:

1. By reason of its design, form and use of materials and its position on a prominent corner site, the remodelling of the bungalow proposed will result in an overtly modern building which will be out of character with the form and appearance of neighbouring buildings and detrimental to the wider street scene. It is therefore contrary to Policy 15 of the Adur Local Plan, 'Supplementary Planning Guidance' No.2 'Extensions and Alterations to Dwellings' and the relevant paragraphs of the National Planning Policy Framework relating to good design.

13th May 2019

Application Number: AWDM/0444/19

Recommendation – APPROVE

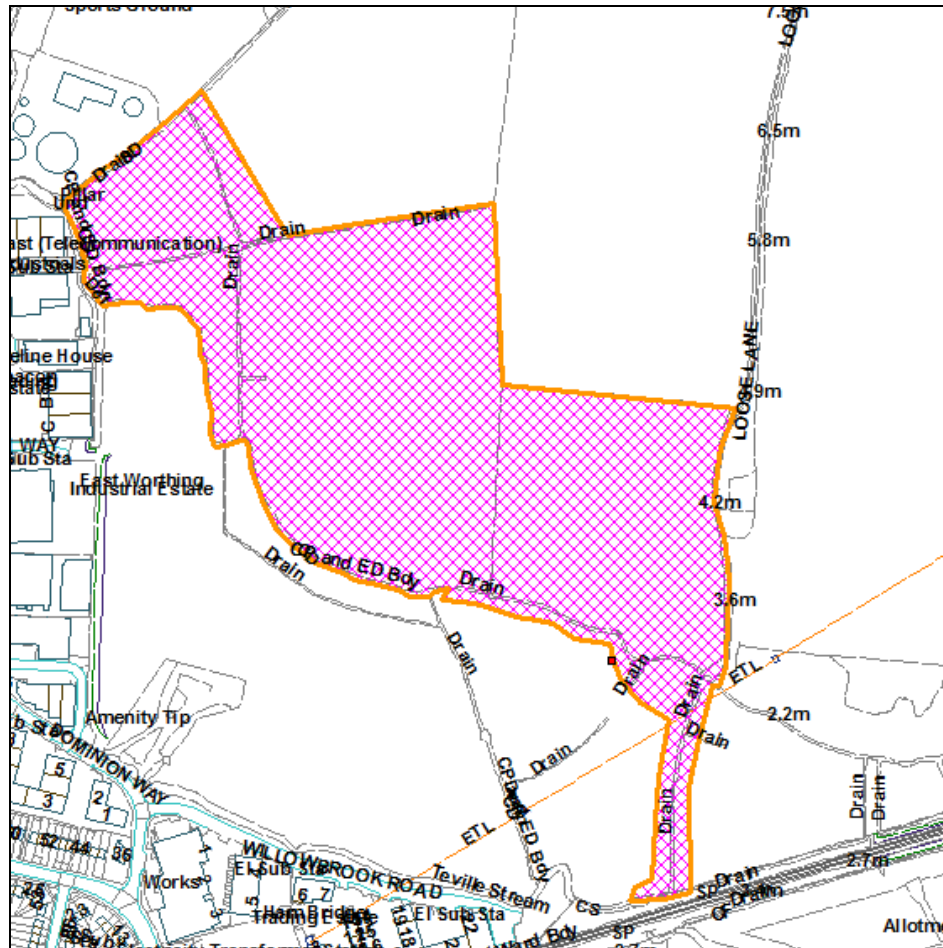
Site: Land South of Loose Lane, Sompting

Proposal: Removal of Conditions 4 (Surface Water and Pollution Prevention) and 5 (Archaeology) Approved AWDM/1375/17 (Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land).

Applicant: Ouse and Adur Rivers Trust

Ward: Peverel

Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

This Major application (more than 1ha site area) relates to an area of relatively flat, open arable farmland between Worthing and Sompting, to the north and east of the industrial estate on the east side of Worthing. The application affects primarily land within Adur, but with a small section within Worthing Borough and two separate applications have been submitted (AWDM/0430/19 and AWDM/0444/19).

Planning permission was granted in 2017 for the restoration of the Teville Stream which runs through the site, draining the catchment area of Worthing, via a culvert which lies adjacent to an historic landfill area at Decoy Farm. The approved plans propose to divert the stream from its current culverted position to a more natural form with the aim of improving the ecology and water quality of the stream. It will involve excavating 580m of new channel within Adur District running north-south to include the construction of a series of three silt traps at the upstream extent. A further 420m of existing channel, currently drainage ditches, will be modified to become the downstream extent of the new watercourse.

The permission was subject to several conditions but it has subsequently been found that two of the conditions cannot be complied with or are unnecessary. They are:

- Condition 4 (Surface water and pollution prevention)
- Condition 5 (Archaeology)

This application therefore seeks to remove these conditions.

Relevant Planning History

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

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

AWDM/1265/17 - Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land – approved.

AWDM/1375/17 - Restoration of upper section of the Broadwater Brook tributary of the Teville Stream involving the excavation of a new channel, construction of three silt traps, part infill of existing channel and restoration of surrounding land – approved.

Consultations

West Sussex County Council: The County **Archaeologist** advises that the archaeological mitigation required by Condition 5 is no longer achievable. Consequently no objection is raised on archaeological grounds to the removal of this Condition.

Adur & Worthing Councils: The Engineer has made the following comments:

Looking at condition 4 on the approval document for AWDM/1375/17, I note that it has two sections.

Part 1 is concerning disposal of surface water – I have no issue with that being revoked.

Part 2 requires the applicant to provide pollution prevention mitigation measures to improve water quality. I accept that “the design” gives much of this information, but what is required is a statement on pollution control, both that from current known sources –

i.e. “rubbish and pollutants from road run off will be collected in the stilling basins which will be monitored and dug out as required the waste material will be dumped where ever, and how this is to be made safe”

Then there needs to be some broad statement about how pollutants which might be released in the dig are kept away from the existing water course

This should be on the lines of:

“Pollutant xyz if found will be contained and dealt with in situ before the new ditch is cross connected to the existing ditch.”

They are statements which I need to see.

(NB a response has submitted by the applicant and is reported below)

Sompting Parish Council: Although the Council has no objection to this application in principle, they still have some concerns re the drainage.

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan: Policies 6, 13, 14, 30, 31, 32, 34, 35, 36
National Planning Policy Framework (CLG 2019)

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

Condition 4 - Surface water and pollution prevention

This condition requires the submission of a scheme to dispose of surface water and to provide pollution prevention mitigation measures to improve water quality. However, it was inadvertently carried over from an Environment Agency response on the original application AWDM/1111/12 which was not requested for the 2017 permission and, as such, the applicant does not consider it to be necessary.

Furthermore, the applicant has stated that:

“The whole objective of the submitted scheme is to manage and dispose of surface water in a new river channel and to reduce the amount of pollutants leaving the site (i.e. the silt traps at the northern end). The same amount of water will be entering and leaving the site in the same places with less contamination. I can't solve the road run off issues or make less pollutants enter the site without putting mitigation measures into every road drain in Worthing, what I can do is have cleaner water leaving the site (facilitated by the use of sediment traps) and into downstream receptors - we will be running campaigns over the next two years about the importance of not putting things down these drains but this is not relevant to the planning applications.”

The Council's Engineer has requested further information about pollution prevention and the applicant has responded as follows:

“Pollutants and detritus which currently travel, unchecked, through the course of the stream will be collected within the series of silt traps at the northern end of the capital works designs. These will have depth gauges installed and be monitored, initially on a weekly basis (for four weeks) followed by fortnightly (for 8 weeks) and then monthly after. This will provide us with information on the regularity of which traps will need to be emptied. Depending on the rate at which silt accumulates, but a minimum of once

every six months, we will send samples to a UKAS accredited laboratory for testing. This will identify the levels and types of pollutants which are being collected and inform on their future disposal. Our data collected from silt analysis within the current channel shows many of those existing contaminants at high levels (constituting hazardous waste) are associated with historical activities within the industrial estate. We fully expect that future arisings will be disposed of onsite under an environmental permit.

The channel has been designed and placed so as to avoid known contaminants highlighted during previous investigations. We are aware of only one area where arsenic is present within the vicinity of the bed of the new channel. This area will be excavated in the early stages of construction and the soil will be WAC tested prior to being disposed of at an appropriate receptor facility if required.

Within the planning consent documents, Condition 3 states that;

“If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved”.

From the information we have and the depth of the channel bed, we would not envisage further contamination or pollutants being found or brought to the surface, however, if this is the case then we would follow Condition 3 of the consents. Therefore, we are confident that the 50m section which contains naturally occurring arsenic from vegetation decomposition is the only area to which this will apply. Excavated material from this section will be contained and dealt with as appropriate and this section of the channel will be lined with buried LDPE (or similar) to ensure that no upward movement of contaminants from below could enter the watercourse. This arsenic is static and it is not expected that any movement will occur but in the interest of eliminating even the tiniest of risk we will be mitigating this. The new stream channel will not be connected at either end until the entire excavation is complete and any additional pollutants mitigated.”

It is apparent from this comprehensive response that the applicant is fully aware of their responsibilities to prevent pollution of the water system and, as contamination is covered under Condition 3, there appears to be no valid reason for Condition 4 to be required and its removal is justified.

Condition 5 - Archaeology

The applicant has been in discussion with the West Sussex County Archaeologist on how best to approved details pursuant to Condition 5. However, no part of Condition 5 is achievable.

The County Archaeologist has explained that the intended archaeological test pits and boreholes to obtain deep-down soil samples will not now be feasible because they would penetrate deeper than the layer the Environment Agency have said must be avoided. He has advised:

“The soil samples were to be used for analysis of pollen, plant remains and microfossils in the river silts (to reconstruct and date the changing ancient environment of the stream over time).

In view of the generally much shallower excavation that the scheme will now involve, soil samples taken at a shallower depth, e.g. during observation of channel excavations, would produce much less archaeological information, reducing the value of the mitigation. More critically, ASE have explained that the limited information on the depth and extent of the contaminated layer or layers makes it impossible to be reasonably sure that even soils sampled at much shallower depth would not also be contaminated.

Any new archaeological fieldwork carried out on this scheme might bring staff on site or in the laboratory into contact with contaminated soil cannot be justified for the Health and Safety of the staff, and so practically, useful archaeological mitigation is no longer an option.

In consequence, Condition 5 (archaeological mitigation) cannot be implemented.”

West Sussex County Council has no objection on archaeological grounds to the removal of the condition.

On this basis, there appears to be no valid reason for Condition 5 to be required and its removal is justified.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Contamination
4. Restoration of land on completion

13th May 2019

Local Government Act 1972
Background Papers:

As referred to in individual application reports

Contact Officers:

Gary Peck
Planning Services Manager (Development Management)
Portland House
01903 221406
gary.peck@adur-worthing.gov.uk

Peter Barnett
Principal Planning Officer (Development Management)
Portland House
01903221310
peter.barnett@adur-worthing.gov.uk

Eve Hearsey
Planning Officer
Portland House
01903 221233
eve.hearsey@adur-worthing.gov.uk

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.