



ADUR DISTRICT  
C O U N C I L

29 January 2021

<b>Adur Planning Committee</b>	
<b>Date:</b>	<b>8 February 2021</b>
<b>Time:</b>	<b>7.00 pm</b>
<b>Venue:</b>	<b>Remote Meeting via Zoom</b>

**Committee Membership:** Councillors Carol Albury (Chair), David Balfe, Kevin Boram, Stephen Chipp (Vice-Chairman), Brian Coomber, Lee Cowen, Joss Loader and Paul Mansfield

**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](mailto:democratic.services@adur-worthing.gov.uk) before **noon** on **Friday 5 February 2021**.

**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 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. 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 4 February 2021**.

Where meetings are held remotely, no question will be permitted from the public unless such notice has been given.

Questions should be submitted to Democratic Services – [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

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

### **4. Confirmation of Minutes**

To approve the minutes of the Planning Committee meeting held on 11 January 2021, which have been emailed to Members.

### **5. Items Raised Under Urgency Provisions**

To consider any items the Chair of the meeting considers urgent.

### **6. Planning Applications (Pages 1 - 50)**

To consider a report by the Director for the Economy, attached as Item 6.

### **7. Sompting Parish Neighbourhood Plan (Pages 51 - 68)**

To consider a report by the Director for the Economy, attached as Item 7.

### **8. ADC Good Practice Guide for Houseboats (Pages 69 - 92)**

To consider a report by the Director for the Economy, attached as Item 8.

## **Part B - Not for publication - Exempt Information Reports**

None.

#### **Recording of this meeting**

Please note that this meeting is being live streamed and a recording of the meeting will be available to view on the Council's website. This meeting will be available to view on our website for one year and will be deleted after that period. 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 <a href="mailto:heather.kingston@adur-worthing.gov.uk">heather.kingston@adur-worthing.gov.uk</a>	Sally Drury-Smith Lawyer 01903 221086 <a href="mailto:sally.drury-smith@adur-worthing.gov.uk">sally.drury-smith@adur-worthing.gov.uk</a>

**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.

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## ADUR DISTRICT C O U N C I L

Planning Committee  
8 February 2021

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

### Report by the Director for Economy Planning Applications

1

Application Number: **AWDM/1085/20** Recommendation – Approve

Site: **66 Old Fort Road, Shoreham-by-Sea**

Proposal: **Demolition of a two storey house and replacement with a three storey 5 bedroom detached house.**

2

Application Number: **AWDM/1983/20** Recommendation – Approve

Site: **22 Mill Hill, Shoreham-by-Sea**

Proposal: **Roof extension including raising of ridge and eaves height, enlarged barn ends and ground floor infill extension to north and south elevations. (Amended resubmission of AWDM/0812/20).**

3

Application Number: **AWDM/1761/20** Recommendation – Approve

Site: **18 Southdown Road, Shoreham-by-Sea**

Proposal: **Proposed garden room.**

4

Application Number: **AWDM/2129/20** Recommendation – Approve

Site: **60 Brighton Road, Lancing**

Proposal: **Retrospective application for replacement of horizontal timber screens with painted vertical screens, new balustrade to lower terrace, extended steps from ground to lower terrace and increased lower terrace width (amendment to approved application AWDM/1875/19).**

**5**

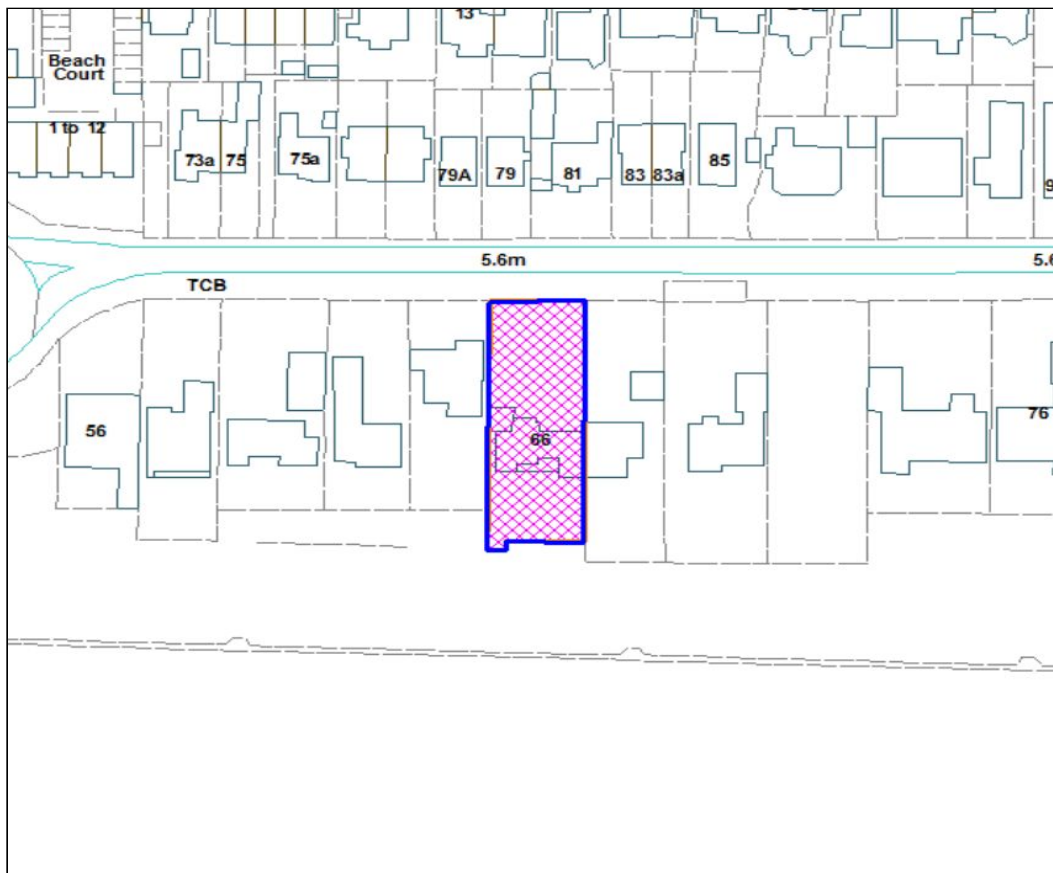
**Application Number: AWDM/2044/20**

**Recommendation – Approve**

**Site: Cecil Norris House**

**Proposal: Retrospective application for replacement of horizontal timber screens with painted vertical screens, new balustrade to lower terrace, extended steps from ground to lower terrace and increased lower terrace width (amendment to approved application AWDM/1875/19).**

<b>Application Number:</b>	<b>AWDM/1085/20</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>66 Old Fort Road, Shoreham-By-Sea</b>	
<b>Proposal:</b>	<b>Demolition of a two storey house and replacement with a three storey 5 bedroom detached house.</b>	
<b>Applicant:</b>	<b>Mr Andrew Pollard</b>	<b>Ward: Marine</b>
<b>Agent:</b>		
<b>Case Officer:</b>	<b>Hannah Barker</b>	



**Not to Scale**

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### **Proposal, Site and Surrounding**

The application relates to a detached two storey dwelling on the southern side of Old Fort Road with tiled hipped roof with an attached pitched roof garage on the eastern side. The dwelling has a large property frontage, driveway and garden with a smaller rear garden on the southern side. This is consistent with much of the development on this side of Old Fort Road.

The site is approx. 18 metres wide and 55 metres in depth, (this includes the area of land to the rear which the applicant considers to be in their ownership however the Council considers that this is under Council ownership and the beach, this is discussed further below.) The proposed development is 17.3 metres wide and has a maximum depth of 26.5 metres. The height of the existing building to the ridge is 7.9 metres: the proposed development will increase in height to 8.5 metres.

Permission is sought to demolish the existing building and for the erection of a new three storey, 5 bedroom detached dwelling house with generous accommodation. The agent's Design and Access Statement states, "It is a contemporary home based loosely on the Pavilion house design with fully glazed south elevation and seemingly floating floors."

The building is of flat roof design with the ground floor the largest footprint reducing in scale to the top floor with set in from the sides and front and rear. A flat roof canopy is proposed to the front projecting by 3.7 metres with a single storey front projection on the western side. This projects 10.7 metres beyond the main front elevation of the proposed building and accommodates a garage with east facing access and a cinema room/snug. The building will be large in footprint and scale extending to a much greater footprint than currently exists. Glazing and balconies are the main feature to the rear, south elevation.

Amended plans have been received since the original submission following Officer's advice that the development should be reduced in scale and residential amenity issues needed to be addressed. These changes included the moving of the front projection to the west side, further set in of the first floor away from the property frontage, increased set in from the side boundaries and 1.8 metre high privacy screens to the rear balconies. The introduction of the use of materials other than render to add some interest to the building has also been proposed. The main material is to be white render. Also proposed is Corten weathered steel cladding at the second floor and the use of flint at ground floor. The fascias are to be white with zinc capping and a green roof is proposed above the garage and at the front at first floor.

The site plan has also been amended to show the boundary of the site including the land to the rear which the Council have identified as Council owned however the applicant's agent has shown no landscaping or formal use of this area on the submitted plans. The swimming pool is now shown to be within the existing garden area.

The scheme as amended is for determination and consideration here.

The existing house is of traditional design. The agent's Design and Access Statement states "The proposal is very contemporary with clean line from creating a horizontal aesthetic with large expanses of glass."

The building will represent a significantly larger development than existing with a striking appearance, contemporary form and use of interesting materials. The building takes a similar form to other buildings within Old Fort Road clearly inspired by similar development whilst not directly replicating any other building. Like many other dwellings on Old Fort Road this is considered to be a statement building,



developed from the desires of the applicant.

The site is within Flood Zone 3, the applicant's agent has submitted a Flood Risk Assessment with the application. The formal consultations response from the Environment Agency is set out below.

Comparing the proposal to the existing building at the site with regards to footprint and scale the ridge will be higher than existing. The bulk, scale and footprint are increased from that which exists on site. The building is also increasing from a two storey dwelling to three storeys. The building extends further to the front than existing with the projection at ground floor on the western side and front projection at first and second floor.

## **Consultations**

### **Adur and Worthing Council: - Technical Services – Engineers: -**

Flood risk- The application is within flood zone 3, the site is not shown as being at risk from surface water flooding. The Environment Agency should be consulted. The FRA proposes finished floor levels of 6.3m AOD. It would be good to ascertain if the design flood level stated within the FRA includes allowances for climate change, i.e. is representative of the design flood over the lifetime of the development.

Surface water drainage- the application form indicates that surface water is proposed to be discharged to soakaway. This is acceptable in principle and good infiltration rates should be obtained. It is advised that the applicant keeps any soakaways shallow to minimise the tidal impact upon them. Due to the scale and location of the development we have no conditions to request, surface water drainage must be designed and constructed in accordance with building regulations.

### **Property Management Surveyor: -**

On looking over the details, it would appear that land owned by Adur District Council has been included in the application. I must therefore query the following Sections of the application:

- Section 8 - The beach is designated public open space
- Section 10 - The beach is a local nature reserve home to protected vegetated shingle
- Section 12 - As S. 10
- Section 25 - Ownership

Please note that I have not carried out an inspection of the land, but have included Environmental Services in this email as the department responsible for managing parks and foreshore.

As the area south of this boundary is public open space within the Adur District Council freehold title, any form of development would be considered as encroachment.

**Environmental Services:** - As this site includes Parks and Foreshore Land we would request that as a Local Nature Reserve there should be consideration that the beach vegetated shingle is maintained as such if the redevelopment be approved.

## **West Sussex County Council: - Highways Authority: -**

### Summary

This proposal is for the demolition of an existing dwelling and erection of a replacement dwelling. The site is located on Old Fort Road, an unclassified residential road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

### Access and Visibility

The applicant proposes no alterations to the existing access arrangements. There are no apparent visibility issues at the existing access onto Old Fort Road. An inspection of collision data provided to WSCC from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Additionally, given that this proposal is for a replacement dwelling, the LHA does not anticipate that this proposal would give rise to a material intensification of movements to or from the site.

### Parking and Turning

In regards to vehicular parking provision, the applicant proposes a double-car garage, a single-car carport and driveway. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least three car parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient. On-site turning appears achievable, allowing vehicles to exit the site in a forward gear. The LHA does note that the proposed garage does not meet the minimum internal specifications for double car garages of 6m x 6m as set out in Manual for Streets (MfS). As such, it cannot be considered for vehicular/cycle parking provision. Notwithstanding this, the LHA is satisfied that at least three cars could be accommodated on-site. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Adur Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below. The applicant has not demonstrated cycle parking provision. The LHA requests the applicant to demonstrate cycle parking provision in the form of covered and lockable cycle storage, in accordance with WSCC parking standards. The LHA notes that if the garage is modified to meet MfS specifications, the LHA will consider it for cycle parking provision. The inclusion of cycle parking will help promote the use of sustainable alternative modes of transport to the private car.

## Sustainability

The site is situated in a sustainable location within walking/cycle distance of shops, schools and other amenities. Old Fort Road is served by the 19 bus route, which offers eight services per day within Shoreham. Shoreham Train Station is situated approximately 1.4km from the site. Cycling is a viable option in the area.

## Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, the following conditions should be applied:

### *Car parking space (details required)*

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

### *Cycle parking*

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

### *Electric Vehicle Charging Spaces*

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

**Environmental Health:** - I note that this application includes a swimming pool and Jacuzzi but it does not provide details of any associated plant. It is unknown whether any external plant will be required but given the close proximity of existing dwellings I would advise the following condition:

Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant

shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.

Given the proximity of this proposed development with existing dwellings I would advise the following conditions:

Hours of work

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Construction Management Plan

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

- the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- a commitment to no burning on site,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- methods to control dust from the site

Pulverised Fuel Ash (PFA):

The developer should be aware that pulverised fuel ash (PFA) has been identified on Shoreham Beach. This is a potentially contaminative material, which can present as grey and ashy in nature or as small, black, coal-like deposits. It is the responsibility of the owner and developer to establish the extent of such material on the site and to carry out appropriate remediation where necessary.

## **Environment Agency:**

According to our indicative flood maps and records, the proposed replacement dwelling location is shown to be partly within a Flood Zone 2 (medium risk). Furthermore, due to the site location immediately adjacent the foreshore and the uncertainty of climate change factors (sea level rise), the dwelling will potentially be vulnerable to sea spray, windblown debris, whitewater flooding and structural damage should a severe storm scenario prevail.

However, on the basis that the replacement dwelling offers opportunity to mitigate against tidal flooding by raising floor levels, proposes an area of safe refuge upstairs, and there is no encroachment southwards from the original building footprint, we have no objection provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

### **Condition**

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: ADC 1268, dated 13 July 2020, by Alistair Dodd Consulting) and the following mitigation measure it details:

- Finished floor levels shall be set 300mm above existing ground levels (section 5.4).

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.

The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### **Reasons**

To reduce the risk of flooding to the proposed development and future occupants.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

**Southern Water:** Recommends informatives

### **Representations**

7 objections have been received from individual properties to the original submission and subsequent representations have been made in relation to the amended plans and multiple correspondence received from some individual residents.

Objections have been received from: 68, 83, 83A, 79, 70, 81 Old Fort Road and from Shoreham Beach Residents Association. Objections relate to the following issues: -

- Impact on light and privacy
- Large scale development too large

- 3 storey development is overdevelopment
- Applicant should discuss plans with neighbours prior to submission - no communication.
- Double yellow lines should be added outside no. 79 and 81.
- Loss of privacy and overlooking due to balconies overlooking gardens. Privacy screens should be added.
- Overdevelopment
- Impact on right to light
- Building encroaching heavily on north side.
- The rear boundary unlawfully encroaches onto the beach.
- Overdevelopment not suitable for plot size.
- Exterior kitchen large in size.
- Balconies extend beyond the rear building line.
- Development exceeds Council's guidelines which should protect views, light, privacy, overdevelopment and boundary issues.
- Too high.
- Not in keeping with the rest of the beach.
- The front extends forward not consistent with the building line; properties on the north have a consistent building line. The plans will not enhance and will significantly negatively alter the character of the neighbourhood.
- Does not positively contribute to the character of the area.
- The building is the equivalent size of a block of 9x 2 bedroom flats.
- Out of proportion to neighbouring buildings.
- If the ground floor is set out to EA date the building will be higher.
- The eaves increase is significant at 3.2 metres higher.
- Other comparisons on Old Fort Road cannot be used here.
- Gaps between properties and views between important for the character of Old Fort Road, No. 72 Old Fort Road had 1.8 metres to the boundary.
- This building copies others on the Beach.
- 45 degree rule.
- New buildings should be built in accordance with drawings.
- Too large and overpowering.
- Adversely affecting neighbours on all sides.
- Should be more sympathetic use of space.
- The beach side garden does not look practical with no front wall and a swimming pool open to view by passing pedestrians.
- Development on Old Fort Road has been increasing in size with developers building larger than permitted giving an incorrect comparison for later builds.
- The flat roof design will dominate the plot taking all available light and space.
- Very large disproportionate building.
- Set a precedent for further development.
- Policy 15 of the Local Plan insists that development should improve the public realm. This house will close the gap between the houses and have a negative impact

4 supporting representations have been received from the owner/occupiers of nos. 124, 28 and 80 Old Fort Road and 40 Atlantic Court.

- New house will be a big improvement on the current eyesore so I support this application.
- The project will make a great addition to the street.

- This development is in keeping with a number of recent developments on Shoreham Beach and is in no way larger or bolder than other existing properties on Old Fort Road. I do not agree that it takes away from the character of the beach.
- This new build would be a welcome addition in a diverse line up of homes both old and new.
- It's a beautiful design.

### **Relevant Planning Policies**

Adur Local Plan (2017) Policy 15, 21, 37

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Space Around New Dwellings and Flats'

National Planning Policy Framework (March 2018)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Planning Assessment**

#### **Principle**

The proposal comprises replacing the existing dwelling located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, design and the effect on the character and appearance of the area. Highway matters, Flood Risk and beach encroachment are also issues to be considered below.

#### **Visual amenity**

The proposed dwelling will be another addition to the already rather eclectic street scene in Old Fort Road. New replacement dwellings and older style buildings sit side by side, all varying in style and use of materials to form the very unique character of this locality.

The design and individual style of the dwelling proposed here has been developed by the architect and their client. It is not considered that the specific style or design can be questioned and it is not considered that there would be any grounds for refusal based solely on the overall design of the dwelling proposed as the street comprises so much variation. The use of the various materials as proposed, again does not follow any existing pattern but given the existing variation in materials this

combination is acceptable. The key consideration here is how the development fits in scale, height and proportion in relation to adjacent dwellings and surrounding, existing development.

As stated above the footprint and scale of the proposed building is increased from that which currently exists. The existing building is traditional in form of rectangular footprint. In terms of height there is an increase from the existing ridge of 0.6 metres. Looking at the street scene there is much variation in building height such an increase here will result in a higher building than those either side yet within the context of Old Fort Road this height increase is acceptable.

The building will extend to the eastern side above where the existing garage currently is increasing the bulk of the building here. Yet a set in from the side boundary of 1.35 metres will be retained. This will allow for spacing between the new building and the adjacent properties. The 'tiered' design also allows for increased spacing either side as the development increases in height. It is considered that this space is sufficient to avoid a visually cramped form of development when viewed from the street. Despite the bulk and scale of the building being increased the development will not be overly harmful to the street scene and is similar to other development within Old Fort Road. There are many other examples of similar front projections and three storey development.

Side, boundary rendered walls are proposed to the front and rear of the site. These are shown on the plans as 1.5 metres in height. It is considered that this limited height is consistent with other boundary treatment within Old Fort Road and this can be supported.

The plans also show an outdoor kitchen to the rear garden and a car port to the property frontage. A condition is attached to ensure that the details of these are submitted to and approved by the Council prior to development to ensure there is no adverse impact of such development.

It is not considered, on balance, that the proposed dwelling will give rise to overdevelopment which would be such to warrant a refusal here. The building will not be significantly detrimental to the character and appearance of the street scene or surrounding built environment. There would not be sufficient justification for refusal here in terms of visual amenity in the light of the overall character of Old Fort Road.

### **Residential amenity**

Objections have been received from local residents including the neighbouring dwelling at no. 68 and properties opposite the site. The objections still stand following the various amendments to the scheme.

The building proposed would be an increase in scale and footprint from that which currently exists. There would be increased impact upon the adjacent neighbours in terms of loss of light and some overbearing impact. However, on balance, it is considered that the loss of light and outlook which would result would not be so significant to warrant a refusal of the scheme in this case.



In the case of no. 68 to the east, the main concern here was the front projection which was submitted with the original submission. This was adjacent to the boundary with no. 68 and resulted in loss of light and overbearing impact to the adjacent front window. This has been resolved by the relocation of the front projection to the west side of the site and reducing this front projection to 4 metres beyond the property frontage. This therefore results in a reduced impact.

The existing garage at no. 66 currently offers spacing between the main dwelling at no. 66 and the boundary with no. 68. The new development will bring increased bulk toward the boundary, although a set in of 1.35 metres is proposed. Any side windows at no. 68 are secondary windows front and rear aspect and light remain here. Any loss of light to these side windows would not be such to warrant a refusal in this case.

Again to the rear the side garage as existing gives separation to the properties. However the rear projections to the new development will not extend significantly beyond the rear of the no. 68. There is a balcony adjacent to the boundary at no. 68. The proposed adjacent balconies at the application site will be fully screened and although closer to the boundary this relationship is not unusual within this beach front location.

There are side windows and doors proposed at the new development; these are secondary windows and/or serve bathrooms/en-suites. A condition is attached below to ensure that all openings are to be obscure glazed to avoid any loss of privacy to adjacent occupiers.

No. 64 to the west is unusually positioned being set forward, towards the road, of adjacent dwellings. It should be noted that consent was granted in 2014 for a detached dwelling in line with no. 66 however this has since lapsed, AWDM/1001/14. The bungalow as existing has side windows facing onto the application site. Although one is large these appear secondary. No representations have been made by the occupiers of no. 64. The proposed building will extend significantly to the rear beyond that of no. 64. However due to the existing footprint of no. 66 and the property on the other side no. 62 the rear aspect of no. 64 is limited to that directly to the south. Despite the impact of the increased development at no. 66 it is not considered, on balance, that any increased loss of light and outlook to no. 64 should be such to warrant a refusal in this case. As stated above a condition is attached below to ensure all side windows and openings are obscure glazed. On balance this impact is acceptable, and it is likely that a proposal will come forward in the future to bring no. 64 in line with the adjacent dwellings either side.

The properties opposite the application site on the north side of Old Fort Road will view the proposed development from their frontages. Due to the increased scale and infilling of the area above the existing garage at no. 66 Old Fort Road there will be less sea view attained by these occupiers due to less space remaining between the dwellings opposite. However, loss of a view is not a reason for refusal here, yet in terms of cramped development the spacing here remains sufficient to not impact upon public views and spacing here is consistent with other development within this location.

## **Parking and Access**

As set out above there are no objections to the development from the Highway Authority subject to the conditions and informatives being attached. There would be sufficient off street parking and cycle parking provision. The garage can be used for cycle parking so no separate provision is required here. No changes to the existing vehicular access are proposed.

## **Flood Risk**

The Environment Agency has no objection to the development subject to the condition set out above and attached to this recommendation.

## **Beach Encroachment**

The site plan as originally submitted by the agent included an area of land beyond the existing rear garden to the south which is currently beach area. There is evidence at the site that this land was at some point used as a garden as there are paving slabs, however this space is predominantly shingle with beach vegetation. Land Registry documents show this to be Council owned land and this has been confirmed by the Council's Estates Department. It forms part of the beach and the Local Nature Reserve. Despite Officer's advice to the applicant's agent that this land should be removed from the application the applicant considers this to be in their ownership. The amended site plan removes all garden development, including the swimming pool from within this area and no boundary treatment is proposed for this area. This is an attempt to protect the Local Nature Reserve and the beach within this area.

## **Recommendation**

### **APPROVE**

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

1. Approved Plans
2. Standard 3 year time limit
3. Samples of materials to be submitted and approved prior to commencement of development.
4. Removal of PD including outbuildings.
5. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: ADC 1268, dated 13 July 2020, by Alistair Dodd Consulting) and the following mitigation measure it details:
  - Finished floor levels shall be set 300mm above existing ground levels (section 5.4).

This mitigation measure shall be fully implemented prior to occupation and

subsequently in accordance with the scheme's timing/ phasing arrangements.

The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

6. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

7. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

8. No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
9. Obscure glazing, east and west elevations high level opening on the first floor. Ground floor tilt and turn as shown on approved plans.
10. Balcony privacy screens rear balconies.
11. The garage hereby permitted shall remain for storage and parking of vehicles only.
12. Prior to commencement of works a scheme shall be provided which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.
13. Construction Management Plan
14. No additional openings on east or west side.
15. Prior to construction of the carport and outdoor kitchen shown on the approved plans details of the design and construction and finish of these structures shall

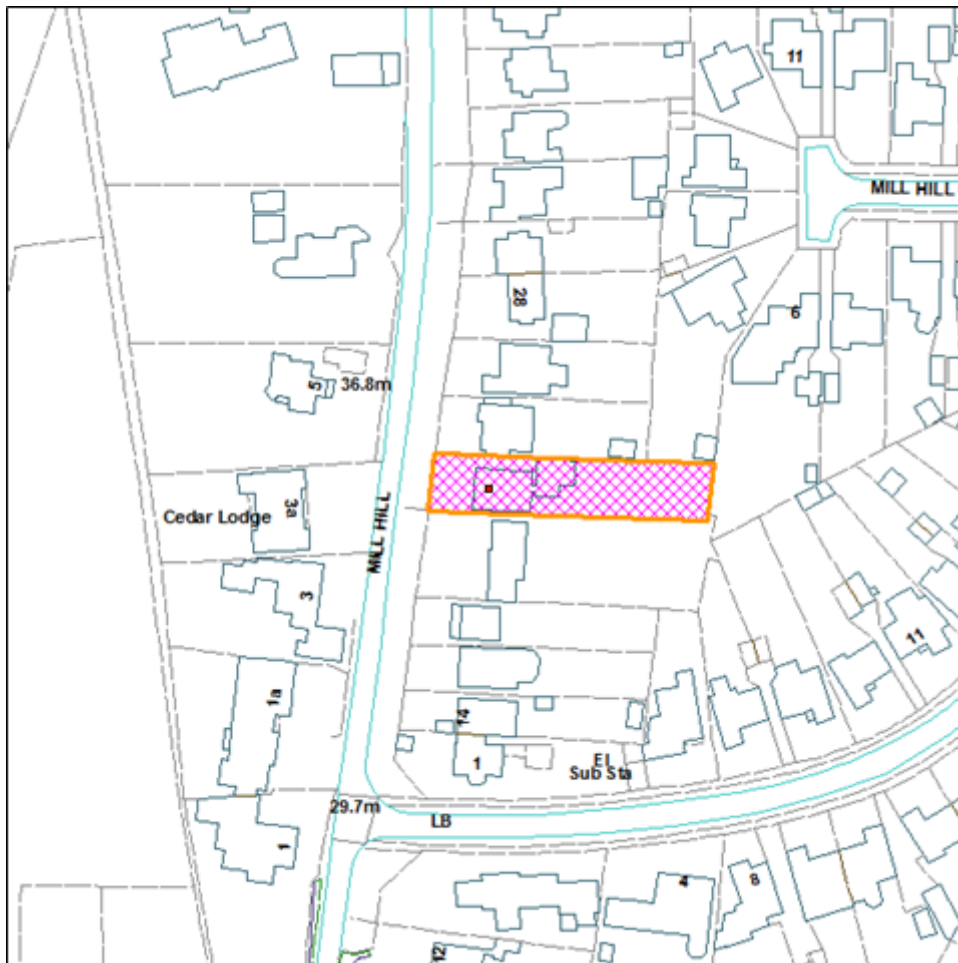
be submitted to and approved by the Local Planning Authority. Work shall be carried out in accordance with such details unless otherwise approved in writing by the Local Planning Authority.

Informatives:

1. Pulverised Fuel Ash
2. 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.
3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging. Arrangements documents which has now been published and is available to read on our website via the following link:  
<https://beta.southernwater.co.uk/infrastructurecharges>.
4. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
5. Proactive with amendments
6. Beach encroachment

8<sup>th</sup> February 2021

<b>Application Number:</b>	<b>AWDM/1983/20</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>22 Mill Hill, Shoreham-By-Sea</b>	
<b>Proposal:</b>	<b>Roof extension including raising of ridge and eaves height, enlarged barn ends and ground floor infill extension to north and south elevations. (Amended resubmission of AWDM/0812/20)</b>	
<b>Applicant:</b>	<b>Mr Andy Davey</b>	<b>Ward: Buckingham</b>
<b>Agent:</b>		
<b>Case Officer:</b>	<b>Hannah Barker</b>	



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## **Proposal, Site and Surroundings**

The application site is a detached gabled roof chalet bungalow with front bays, a dormer on the south roof slope and various single storey rear additions, the planning history of the site is set out below. The dwelling is set back from the highway with a driveway to the front, ground levels increase from south to north along Mill Hill and properties within the street vary in design and appearance and many have been altered and extended.

Prior to this submission an application was submitted for more extension development which also included side dormer windows to be constructed under permitted development, AWDM/0812/20. Officers considered these proposals to represent overdevelopment and to impact upon the amenities of the adjacent occupiers detrimentally, the application was subsequently withdrawn. Following this a Lawful Development Certificate was submitted for development including dormers, officers however advised that due to the planning history of the site and the previous extension to the building, including the two storey rear extension that these works could not be considered as permitted development this application was therefore withdrawn also.

The current application is for full planning consent to raise the ridge and eaves of the building by 0.5 and 1.3 metres respectively. To then enlarge the barn ends of the building in width, widening the first floor of the building.

At ground floor extensions are proposed on the north side to infill the area between the main house and the existing rear projection. Also on the south side widening the existing ground floor rear projection by 2.4 metres to a depth of 5 metres. Rooflights and a roof lantern are proposed in the rear extension. The single storey extensions proposed both have half hipped roofs. The existing hipped roof on the rear projection is retained. Amended plans have been received which show bifold doors removed from the southern elevation of the rear projection and a replacement window. To the south side the existing side lean to is to be replaced by a covered side access. To the roof the existing dormer to the southern side is to remain and roof lights are proposed in the north and south roof slope.

## **Relevant Planning History**

SU/219/90/TP –Approved - Two storey extension to rear.

SU/43/96/TP – Approved - Room in roof with dormer on south side.

SU/19/05/TP – Refused –Rear extension with rooms in roof.

SU/90/05/TP – Approved – Single storey rear extension.

SU/10/06/TP – Approved – Single storey rear extension with pitched roof plus attached conservatory.

AWDM/0812/20 – Withdrawn - Ground floor rear extension, Juliet balcony to east elevation, covered way to south. (Porch and verandah to north side and south and north side dormer windows to be constructed under permitted development.)

AWDM/1180/20 – Withdrawn - Certificate of lawfulness for proposed enlargement of existing south dormer with additional 1no. dormer to north and south roof slopes.

## **Representations**

2 representations received from the owner/occupiers of nos. 20 and 24 Mill Hill objecting for the following reasons: -

- Overdevelopment
- The proposed works would lead to further permitted development.
- Conditions should be added to ensure that no further works can be added as permitted development.
- The application should be heard at committee.
- A Design and Access Statement should have been submitted with the application.
- No dimensions are shown on the plans.
- The proposals do not comply with Policy 15 or SPG and should be refused.
- Unacceptable overlooking, impact on amenity and overdevelopment.
- Permitted Development rights were removed on the previous consent therefore new openings are considered unacceptable.
- Unneighbourly development.
- Dominant impact ground floor extension intrusive.
- Development extensive and out of keeping.
- Overbearing, cramped and contrived development.
- Impact on outlook, perception on being overlooked despite obscure glazing.

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around New Dwellings and Flats’; No.2 ‘Extensions and Alterations to Dwellings’

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

### ***Principle***

The proposal comprises upgrading the existing housing stock located within the built

up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the dwelling and its surroundings.

### ***Visual amenity***

In terms of the street scene there is a variety of property styles within Mill Hill. Buildings vary in design, scale and appearance. The increased ridge height, raising of eaves and widening of the first floor gable do not give rise to an overly large, high building which would be detrimental to the adjacent dwelling, there is much variation in building height and the change in ground levels contributes to this also. The changes visible within the street scene will not have any adverse impact.

The widening of the rear projection to the north and south and changes including the roof lights and covered access to the south are minor in terms of the impact upon the character and appearance of the locality, much of which will not be visible within the street scene. In relation to the existing development at this site the proposed changes are considered to be subservient and appropriately scaled. It is not considered that the works proposed represent overdevelopment.

### ***Residential amenity***

The main properties to be affected are those either side of the site, no 24 to the north and 20 to the south. The occupiers of both properties have objected to the proposed development. To the north the neighbouring property has a ground floor glazed corridor which at the time of visiting was used as a greenhouse. There are side windows at first floor. The infill section of single storey extension on this side will face onto the side fence of the neighbouring property. At first floor there is increase in bulk and height of the building yet due to the spacing that exists between the buildings it is not considered that there will be any adverse impact in terms of loss of light and outlook and the window at first floor facing the site appears to be secondary. Roof lights are proposed facing north and these will serve bathrooms. A condition is proposed that all side roof lights are to be obscure glazed and non opening unless above 1.7 metres finished floor level. This includes the roof lights on the rear projection, (on the north side.)

To the south the existing dormer will remain so not change to the current overlooking to the south at first floor. This serves a bedroom currently and will remain as a bedroom. As stated above the velux windows will be obscure glazed and fixed shut unless above 1.7 metres finished floor level. The glazing at ground floor on the side of the main dwelling will not result in any additional overlooking than currently exists. The covered side access will not result in any adverse impact.

The extension to the southern side to the rear has been amended to remove the glazing to the side and a window is shown which will be conditioned to be obscure glazed to avoid any overlooking to the south toward the boundary and the rear of the neighbouring property.

Subject to conditions, therefore, it is not considered that the proposed works will result in any adverse impact to the residential amenities of the adjacent occupiers.



## **Recommendation**

### **Approve**

#### **Subject to conditions:-**

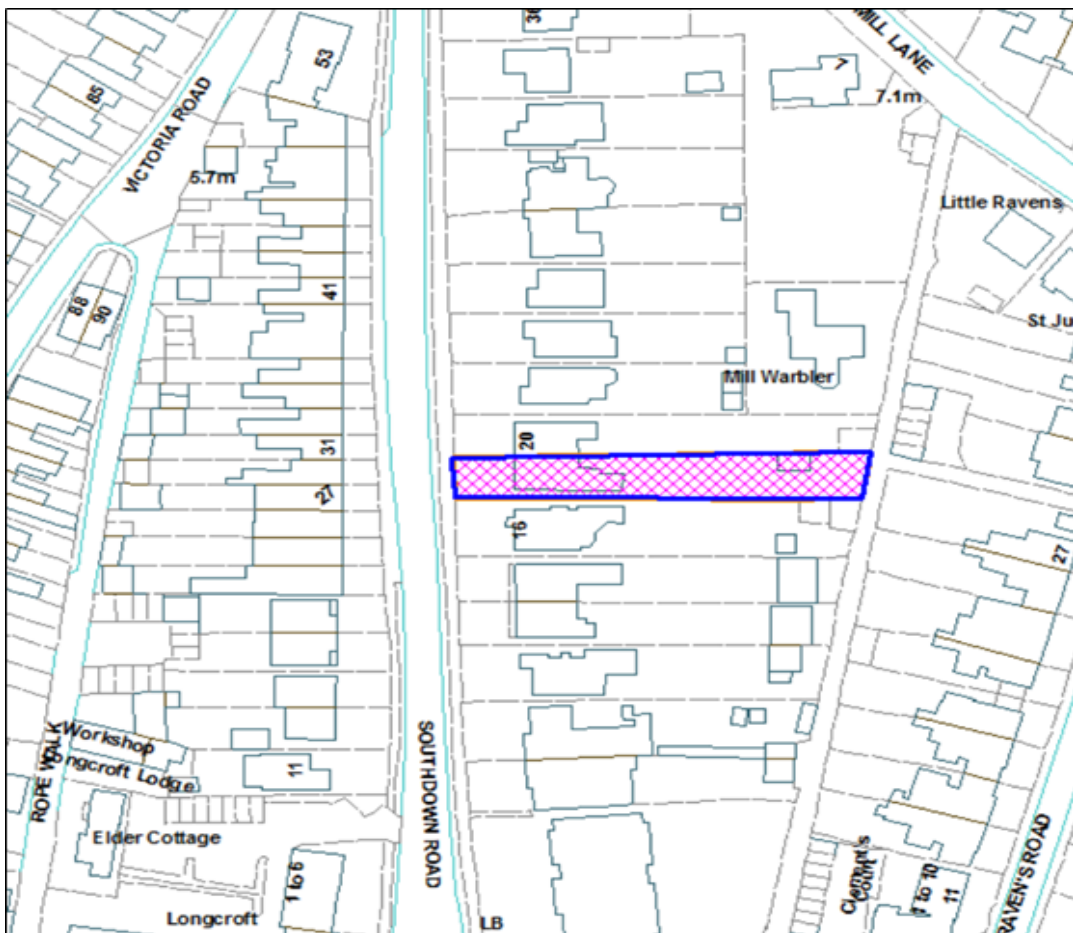
1. Approved Plans
2. Standard 3 year time limit
3. External materials to match existing
4. No windows or openings other than those approved shall be inserted into the north or south roof slope or side walls of the building.
5. The roof lights on the north and south roof slope and the north side roof slope of the rear projection shall be obscure glazed at all times and non opening unless 1.7 metres above finished floor level.
6. The south side window of the rear extension shall be obscure glazed and non opening unless 1.7 metres above finished floor level.

#### **Informative**

1. Proactive with amendments

8th February 2021

Application Number:	AWDM/1761/20	Recommendation - APPROVE
Site:	18 Southdown Road, Shoreham-By-Sea	
Proposal:	Proposed garden room	
Applicant:	Mr Ant Rathbone	Ward: St Nicholas
Agent:		
Case Officer:	Eve Hearsey	



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### Proposal, Site and Surroundings

The application relates to a semi detached dwelling in Southdown Road. It has a long rear garden measuring some 9.5m wide x 45m in length from the rear of the dwelling to the rear boundary. There is an existing garage/outbuilding positioned

some 10m from the rear boundary.

There is a rear vehicular access behind the properties in Southdown Road and Raven's Road, which is accessed from gaps off Raven's Road together with Mill Lane to the north. The access is a private access and mainly unmade up, and measures approx. 3.5m wide along its main length.

The proposal is to demolish the existing garage (measuring 5m wide x 6.15m long x 2.45m high at western end (2.4m at eastern end), and replace it with a flat roof single storey studio outbuilding of an identical footprint and 2.5m high.

The building will be a timber framed construction and externally is show to be horizontally clad with Siberian Larch cladding

The site is within the Shoreham Conservation Area.

### **Planning History**

SU/10/89/TP/OA: Outline application for a proposed dwelling – refused and appeal dismissed

SU/195/89/TP/OA Outline application for erection of a cottage to rear – refused and appeal dismissed

AWDM/0810/13 Demolish existing garage and construct a single storey replacement building to be used as a 1 bedroom holiday let – refusal and appeal dismissed

### **Consultations**

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

WSCC was consulted previously on Highway Matters at this site under application AWDM/0810/13 for the demolition of the existing garage and construction of a single storey replacement building to be used as a 1 bed holiday let with associated parking.

No overriding highway concerns were raised. The application was refused planning permission for non-highway reasons.

This latest application seeks to replace the garage with an annex studio building to be used by relatives. From a highways perspective this will result in additional habitable accommodation.

It does seem that the proposed will result in the loss of some parking provision in the form of an existing garage, however, it is difficult to determine from the submitted documents how much quantity that will be. For example, a garage needs to measure 3 x 6 metres to be considered 0.5 of an allocated parking space as per current WSCC Parking Guidance. A 4 bed dwelling in a location such as this would be expected to create the minimum demand of 3 car parking spaces. The existing dwelling seems to already have some (one) off-street car parking space at the frontage of the site. It is not clear if any off-street hardstanding parking to the rear of

the dwelling exists or will be retained.

The Local Planning Authority should consider if the proposal will result in any parking amenity issues. It is very difficult to substantiate that such small changes in on-street car parking provision/demand in urban settings will result in any highway safety concerns.

The garage could have provided a secure cycle parking facility, it would be advised to secure a replacement provision in the interest of suitability.

The Local Highways Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and that there are no transport grounds to resist the proposal.

If achievable the following condition would be advised.

#### *Cycle parking*

*No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.*

*Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

#### **Adur District Conservation Advisory Group**

Approval - Proposed studio building to replace existing garage for use by relatives. Members queried the absence of any drainage details in the application, bearing in mind there is going to be a shower.

#### **Representations**

16 letters of objection have been received, largely from addresses in Southdown Road and Ravens Road. A number of residents have made representations more than once to re-iterate objections. The objections are made on the following grounds:

Objections remain to the amended application

- The garden room will be a step towards a change of use/conversion to dwelling
- Large box structure does not fit in with surrounding area
- Although smaller footprint still an unsightly box
- The term garden room has a very wide definition (author then describes definitions)
- Inappropriate materials
- Plans scant on details (author requires details of power, water supply, direction of water run-off from roof)
- You will be aware there have been previous applications of a similar nature under reference AWDM/0810/13
- Objected to that application
- Object to this application
- No change in guide lines

- Still a fire risk
- Difficult access for their vehicle down the lane
- No access for Fire Engines/hose pipe run from Raven's Road minimum 60/70 metres
- Any Ambulance access will require a vehicle to reverse a minimum of 100 metres (no turning area)
- Occupancy puts fire and accident on a much higher level
- Disabled access only feasible in dry weather
- Do not doubt the intentions of the present owners, but wonder what the implications would be for future owners, and easy change of use for redevelopment at the end of the garden
- If granted, it will already be a dwelling with plumbing and electricity in place
- This is a Conservation Area and we are trying to keep it that way
- Set a precedent and persons will resurrect previous refusals for the same use
- Several earlier applications (down the lane) including those next door all turned down
- The Council only notified no.'s 16 & 20 and we would like you to notify all the other residents you wrote to in 2013
- Lane described by many as a track, prone to flooding (see 2014 letter and photos)
- Extra noise, extra usage, less privacy, less security
- 50 people objected to previous applications
- Others cannot object unless they are notified
- Please confirm that you still have access to the previous application and appeal and that all objections will be considered
- Your records should indicate that previous planning application for no.'s 18, 14, 12 and 6 Southdown Road were all refused
- Previous planning officers comments and reasoning relating to no. 14 are all relevant to current application
- The current application cannot comply with requirements and regulations in respect of side boundaries to allow for maintenance
- Accessing sewerage system will also be a major problem
- Inappropriate for this residential neighbourhood
- Unacceptable garden development
- Contrary to NPPF (unreferenced paragraph quote) LPA's should consider the case for setting out policies to resist inappropriate development in residential gardens
- Does not preserve or enhance the character or appearance of the Conservation Area
- This part of the Conservation Area is characterised by long rear gardens. The introduction of a new dwelling would detract from the established character of the Conservation Area
- Does not accord with saved LP Policy AB4 and the Framework as they reflect the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Unneighbourly
- Against the appearance and treatment of the spaces between and around buildings
- Does not respect local context
- Located in an area comprising garages, sheds and summerhouses
- The design of proposal out of keeping

- Fragmented form of development
- Harmful impact on the open peaceful and undeveloped character of the Conservation Area
- Accessed via a narrow unmade track
- The building cannot comply with Building Regulations
- Insufficient parking
- Clear from number of objections on previous applications that the neighbourhood does not want nor support this unacceptable development
- Whilst the application is for relatives at present with the current owners, we wonder what the implication would be for future owners or current owners change of use for redevelopment at the end of the garden in the future
- Also wonder who would police who actually lives there if the planning was granted for relatives only
- Access is not shown, therefore assumed it is from the rear lane which is a dirt track, there is little or no drainage. We, the residents, have to maintain this track. It is un-made, un-lit and prone to flooding during any rain – it is not a robust thoroughfare
- The building would affect the quality of light, noise, access and privacy of all the adjoining buildings
- Will lead to being a rental or an Airbnb type accommodation
- Potential volume of traffic
- Potential reduction of security
- Negative effect on area
- With reference to the applicants supporting statement – the condition of the existing building and the fact that the applicant does not need a garage has absolutely no bearing on this application
- Reference to quarantine/self-isolation are risible and merely playing on the current Covid epidemic, this is not a consideration for planners
- None of the statements can be guaranteed
- The garages should stay as designed
- The twitten was built in the 1890's to carry drains, which run to the rear of houses in Raven's Road
- Surprised that the Council have not notified all other residents who were previously advised of AWDM/0810/13
- Is this application therefore a 'fait accomplis' despite objections
- I would like to have a reply to my letter, and look forward to hearing from you very soon
- Overdevelopment
- Highway Access and Parking
- Design
- Loss of General Amenity
- If let in the future it would lead to inappropriate and likely overdevelopment
- Most household have 2 or 3 cars, and converted drop kerb gardens have reduced the amount of on-street parking
- The garden is a haven for wildlife
- One letter querying the veracity of the Adur District Conservation Advisory Group (ADCAG), and its members and operating remit etc.

1 letter of support has been received from neighbouring property, number 16 stating:

- Fully support my neighbours application as I know the application is genuine in

all respects

- The application is quite different from previous historical applications at this property

During the application, the proposal was amended with the applicant stating the following:

Please could you reconsider this application with the following changes:

- It is now a Proposed Garden Room.
- The width has been reduced by 50cm (back to the original garage footprint)
- We have removed the shower room and kitchenette

We hope that this will be sufficient to demonstrate that the building could not be used as separate accommodation and will therefore not require a S106 legal agreement.

Also please note:-

- Doing nothing is not an option. The subsidence has increased and the cracks in the garage walls are widening
- We do not need a garage
- We have the right to use the lane to access the rear of our property at present. This will not alter if we are given approval for the garden room
- Comments received say there is a lack of detail in the amended plan that is true, there is nothing to add. The room will be used as most people use their garden rooms, as a place to relax in, read books, enjoy looking at the garden etc.

### **Relevant Planning Policies**

Adur Local Plan: Policies 1, 15,17

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'

National Planning Policy Framework (HCLG 2019)

National Planning Practice Guidance (CLG)

### **Relevant Legislation**

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

## **Planning Assessment**

### ***Principle***

The proposal involves new development within the built up area and is therefore acceptable in principle subject to there being no harm to the visual and residential amenities of the locality, including the designated Conservation Area.

### ***Statement from Architect (submitted before the amendment)***

The Agent has submitted a statement which outlines the situation of the existing garage and the proposed new building, the subject of this application.

He states:-

*“The building was erected as a double garage perhaps 40 years ago. Access to the garage is via the lane to the rear of our property. It is a single skin structure of concrete bricks. It has a flat, felt covered roof. There is an electrical supply to the building*

*The building is no longer fit for purpose, and that there has been marked subsidence in one corner and major cracks have developed in two of the walls. It is also very damp and furniture stored in it has become mouldy. A local builder’s assessment was that it was not worth trying to salvage the current building as it was beyond repair.*

*There is sufficient off street parking at the front of the house.*

*The proposal is thereby to demolish the building and erect on the same footprint a single storey garden room. This would normally be permitted development as it is no more than 2.5m high, however, it is in a Conservation Area, therefore planning is required.*

*The garden building will be used as a play-room, studio, home office and quiet space for the occupants and their family only. It will have the convenience of a w/c facility and an area to make refreshments.*

*The garden building will be solely for purposes ancillary to the occupation and enjoyment of the property as a whole and shall not be used as a separate dwelling or for any commercial purposes. At no time shall it be used for the purposes of primary living accommodation including bedroom, living room, dining room or kitchen.*

*If planning were to be approved then we would be happy that these conditions are stated on the approval notice.”*

## **Planning Assessment**

Many representations have compared this current application to the previous applications for a dwelling and holiday let that were subsequently refused planning permission and were dismissed on appeal. However, the current application is for neither of the uses which were the subject of the previous applications.

The proposal seeks to demolish an existing substandard garage and replace the



building with a structure of the same footprint i.e. 5m x 6.15m but will be 2.5m in height. The replacement will be a garden room.

There will be no need to have any vehicular access to the site from the rear for the proposal as it is just to be used by the occupants of the host building no. 18 Southdown Road as a garden room. Such a building would normally be permitted development under The Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class E.

However E.3 of the above states: - *“In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.”*

(NB article 2(3) being land within (amongst other things) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas.)

Therefore because of section E.3, and the fact that the site and land in question is within a designated conservation area, planning permission is required for the replacement building.

### **Residential amenity**

The main consideration in the determination of this application is the impact that such a use will have on the residential amenities of neighbouring occupiers.

The garden room, by its very nature would be ancillary to the main house and there would be an interaction with the main house. The applicant's agent has stated that the building is not to be used for the purposes of primary living accommodation, such as a bedroom, living room etc., and a condition limiting its use would be acceptable.

Because of the manner in which the building would be used, i.e. it is not primary living accommodation, it is not considered that the garden room would have any detrimental effects on the residential amenities on the neighbouring properties.

### **Accessibility and parking**

Many objections received against this application and the application as initially submitted, were on the grounds that the access road/ track/ lane to the rear of the site is unsuitable for use for any additional traffic, due to its narrowness; is unlit; is unmade up; is often overgrown and that it floods. However, as outlined above, vehicular access to the rear of the site is not part of this application, and thereby it is not appropriate to be considered here.

### **Visual Amenities and Impact on Conservation Area**

The replacement building will be of the same footprint dimensions as the existing outbuilding and will be no higher than 2.5m. The elevation that will be positioned close to the mutual boundary with no. 20 will have no windows within it, and if approved, a condition preventing windows within that elevation would be appropriate.

The remaining elevations will each have windows within it, the west elevation will have a door and a window, and these will face towards the existing dwelling, the head height of the window will be some 2.25m making the window largely screened from view over a 2m high fence, but is considered not to result in any more visual disturbance to the neighbouring property than would occur from someone using the garden in some form.

The windows on the south and east elevations will also have the same head height and thereby these too will not result in the loss of visual amenity to the neighbouring properties.

The height of the structure at 2.5m would be some 500mm above a permitted boundary height of 2m, and because the structure is located away from the main dwelling it is not considered that the 500mm would result in unacceptable harm on the visual amenities of no. 20

The material proposed for the structure is Siberian Larch cladding, horizontally positioned. Siberian Larch is a very resinous wood which makes it durable and ideal for external use and therefore will be appropriate to be used on the outbuilding, and the use of this wood would not adversely affect the visual amenities or the character or appearance of the conservation area.

Whilst the site is within a designated Conservation Area, the existing garage with a cubic content of some 87 cubic metres, is not a substantial building and planning permission for its demolition would not be required.

The new outbuilding within the rear garden is not considered to have an adverse impact on the Conservation Area and thereby will not affect its character or appearance.

### **Other issues**

Objectors have made reference to the earlier applications that have been made on this site, and have re-iterated all the points that were applicable to those applications at the time, and suggest that they are pertinent considerations for this current application. Those applications related to the provision of a new unit of accommodation and commercial letting accommodation and have already been determined by the LPA and by the Planning Inspectorate, are not being re-considered here, not least because this application does not relate to the same subject matter of the previous applications but relates to a garden room, being an outbuilding which is incidental to the enjoyment of the existing dwelling.

A separate planning application would be required for the uses previously dismissed at appeal. Planning law is quite clear that each application submitted must be considered on its own merits and for the reasons set out above, the proposal which is the subject of this application is considered acceptable.

### **Recommendation**

**APPROVE** subject to the following conditions:-

1. Approved plans

2. Standard time limit
3. Materials
4. Building to be used ancillary to the main dwelling and for no other purpose
5. No windows facing no. 20

8th February 2021

<b>Application Number:</b>	<b>AWDM/2129/20</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>60 Brighton Road, Lancing</b>	
<b>Proposal:</b>	<b>Retrospective application for replacement of horizontal timber screens with painted vertical screens; new balustrade to lower terrace; extended steps from ground to lower terrace and increased lower terrace width (amendment to approved application AWDM/1875/19).</b>	
<b>Applicant:</b>	<b>Ms Adrienne Lee</b>	<b>Ward: Widewater</b>
<b>Agent:</b>		
<b>Case Officer:</b>	<b>Eve Hearsey</b>	



**Not to Scale**

## **Site and Surroundings**

The property is a single storey dwelling located on the south side of the A259 Brighton Road, Lancing. It reads as a semi-detached bungalow with number 58, but when viewed from its rear it can be seen that it is not joined to that property.

The rear of the property backs onto a large open field strip, which is within the bungalow's ownership, which then directly abuts a pedestrian promenade and then the beach. Because of the downward sloping land at the rear, the garden land is a floor level lower than the front of the property, and continues to slope down to the promenade and the beach. There was a large, full width decking area, and a timber staircase down to the garden land behind the dwelling, and underneath the bungalow there was a room, which could have been boat storage originally and was removed in order to connection with the earlier planning permission granted under reference AWDM/1875/19 but as explained below, the permission was not implemented in accordance with that consent.

The neighbouring property to the west, no. 58, is a bungalow of a very similar design and circumstances, and it has a long open decked area, with timber outside steps leading down to the lower garden area; both these areas are used for 'outside' living spaces.

The neighbour to the east is 'Pebble View', which comprises 5no. flats; the flat directly to the side abutting the application site is flat no. 5, which is located on the lower ground floor of the building, and was created some 13 years ago. (ADC/0487/07 - Conversion of existing 3 bedroom maisonette to 1 x 2 bed flat and 1 x 1 bed flat (both fully self-contained). Approved 26.09.07 refers).

The application site and neighbours have direct access to the beach.

The site and immediate neighbours lie within Environment Agency Flood Zones 2 and 3 and a Flood Risk Assessment form was submitted with the host application.

The site is not a Listed Building or within a designated Conservation Area.

## **Proposal**

Retrospective planning permission is sought for changes to the approved plans granted under reference AWDM/1875/19.

The built form veered from the approval by:-

- Providing vertical privacy screens in lieu of horizontal privacy screens;
- Providing additional vertical privacy screens on east side of lower decking
- Providing balustrading to lower terrace;
- Increasing number of steps from rear of the lower terrace to reach the natural ground level;
- Increase width of lower terrace by approx. 1m

## Relevant Planning History

**AWDM/0034/18** Two storey rear extension with gabled roof over together with single storey rear extension to south elevation with roof terrace above and steps down to new raised platform (to replace existing structures).  
**Approved 18.05.2018**

**AWDM/1875/19** Variation of condition 1 (approved plans) of AWDM/0034/18 for additional rooflights to east and west elevations and minor amendments to south façade. **Approved 31.01.2020**

**Consultations:** None

### Representations:

Objection from Cllr McGregor:

- Decking is too far above ground level and has seriously affected privacy of neighbouring property;
- The approved plans show 3 steps going down and this application shows 9 steps from ground level to decking, the decking is therefore 3 times as high;
- Not an accurate drawing, which means the approved plans did not give a true impression of the height of the decking above ground level, especially if that height was compared to the neighbours fence;
- The 9 steps equate to a height above ground level of 1980mm approx. fence height;
- People walking on the decking look like they are walking on the top of the fence panels of the neighbours garden;
- The ground level falls away steeply from the property;
- The decking continues at the same height from the rear of the property;
- The neighbours fence follows the ground level;
- The south end of the decking being close to the top of the neighbours fence at the south end of their garden;
- People walking on the decking can see over the fence down into the neighbours garden;
- Loss of privacy;
- Even when seated on the decking it is possible to look straight into the neighbours windows;
- Overlooking made worse by the wider decking which is nearer to the neighbours garden fence;
- The original planning approval was based on an inaccurate drawing which did not properly represent the site or the works.

**Lancing Parish Council:** No objections

### Relevant Planning Policies

Adur Local Plan 2017: Policy 1, 15  
Development Control Standard No.3 'Extensions and Alterations to Dwellings'  
National Planning Policy Framework (HCLG 2019)  
National Planning Practice Guidance (CLG)

## **Relevant Legislation**

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

## **Planning Assessment**

### ***Principle***

The site is located within the built-up area where development is acceptable in principle subject to the proposal not having an unneighbourly impact on the existing neighbouring properties or the visual amenities of the locality.

### ***Visual Amenity***

The bungalow offers a unique location with the front directly facing the busy A259 Brighton Road, and the rear facing onto a long green sward of garden land which directly abuts a pedestrian promenade which adjoins the beach and the sea. The rear garden measures some 75m in length before it abuts the pedestrian promenade next to the shingle beach.

The bungalow had an existing open decked terrace off of the ground floor rear elevation, which, even though the terrace is off of the ground floor, because of the fall of the land at the rear, it appears as a first floor from the back.

At the lower ground floor (which from the rear appears as ground level) there was a boat store/and storage area under the ground floor.

Both the open decked terrace and the lower ground floor boat store/storage area have now been removed and the earlier planning permission constructed. The first permission (AWDM/0034/18) for a two storey rear extension with gabled roof over together with single storey rear extension to south elevation with roof terrace above and steps down to new raised platform (to replace existing structures), was amended down in size by a later application (AWDM/1875/19).

However, there were a few changes undertaken at the construction which deviated from the permission and these changes have resulted in the need for the current planning application. The lower terrace decking is now approx. 1m wider, thereby bringing it closer to Pebble View; in view of the natural ground levels sloping down, and for health and safety purposes, a balustrade has been constructed around the lower decking; the horizontal screening at the upper terrace has been changed to vertical screening; and the vertical screening has been used on the lower terrace west side; the LPA have requested the vertical screening is also put in place on the east side of the lower decking; and because of the steep slope in the natural ground level at the southern end of the lower decking, and for health and safety reasons,

additional steps than the approved plans, have been put in place

The neighbouring bungalow property at no. 58 to the west, has already undertaken an extension to their property which greatly extends the open terrace, and provides a raised seating area at the lower ground floor. Their lower terraced area is considerably longer than that at the application site. The height of the decking at the application site reflects that at no. 58.

The additional vertical screening will be a handed version of what has been put in place on the west side of the lower terrace. i.e. an opening the size of a door will be left free of the vertical screening which will allow movement to the side of the property which otherwise would have had to be via the steps at the end of the terrace.

Other changes that have occurred through the build process, was to provide a planting bed on the east side in order to plant out Reeds and Palm type plants which will provide an additional, natural, screen to flat 5 Pebble View. This contiguous property is on lower land than the application site, being originally constructed on the lower ground floor from an existing maisonette. The planting that has taken place will thicken as the months go by which will offer a corresponding increase in the screening between the properties.

### ***Neighbouring Residential Amenity***

As stated above, flat no. 5 at Pebble View to the east is on much lower land than the application site, and they have always been overlooked by the application site (and other properties). The whole of the garden area is readily viewed from the main internal living space of no. 60, but because of the vertical screening which has been put in place on the upper terrace, the overlooking of that property has been minimized considerably from that point.

No. 5 can be overlooked from the external staircase from the upper terrace to the lower terrace, but it must be said that originally the external staircase was positioned very close to the east boundary of the application site, and thereby the overlooking was greater.

Overlooking from the lower terrace can occur to no. 5, but it is much the same level of overlooking that can occur from using the outside space without the decking, and indeed it was open to the occupants to have utilized the area next to the fence for such uses as a barbeque area with associated outside cooker and seating. This could take place, if at all, on the lower terrace area at a greater distance from the mutual boundary, much like the occupants do at no. 58 on their lower terrace.

Further, occupants from no.60 could even stand next to the fence with flat no. 5 and directly overlook the neighbouring property.

Flat no.5 has windows within its side (west) elevation which face towards no. 60 and they have an anxiety that persons using the lower terrace at no. 60 could look into these windows, which it is understood relate to a bedroom. However, not only are these windows obscure glazed, there is no greater viewing into these windows than currently and historically exist.



Having said this, the provision of the vertical screening and the new planting will diminish possible overlooking factors and the perception of overlooking into the neighbouring property from the terrace areas.

It is considered that the changes that have occurred to the earlier approval will generally be to the benefit of the neighbouring flat no. 5 or will have a neutral impact.

The effect of the changes onto no. 58 Brighton Road are not considered to be material, particularly when considered against the earlier permission

### **Recommendation**

**APPROVE** subject to the following conditions

1. Approved plans
2. The additional vertical privacy screening on the east side of the lower terrace shall be put in place within 2 months from the date of this permission and shall be retained in perpetuity of the terrace.

8<sup>th</sup> February 2021

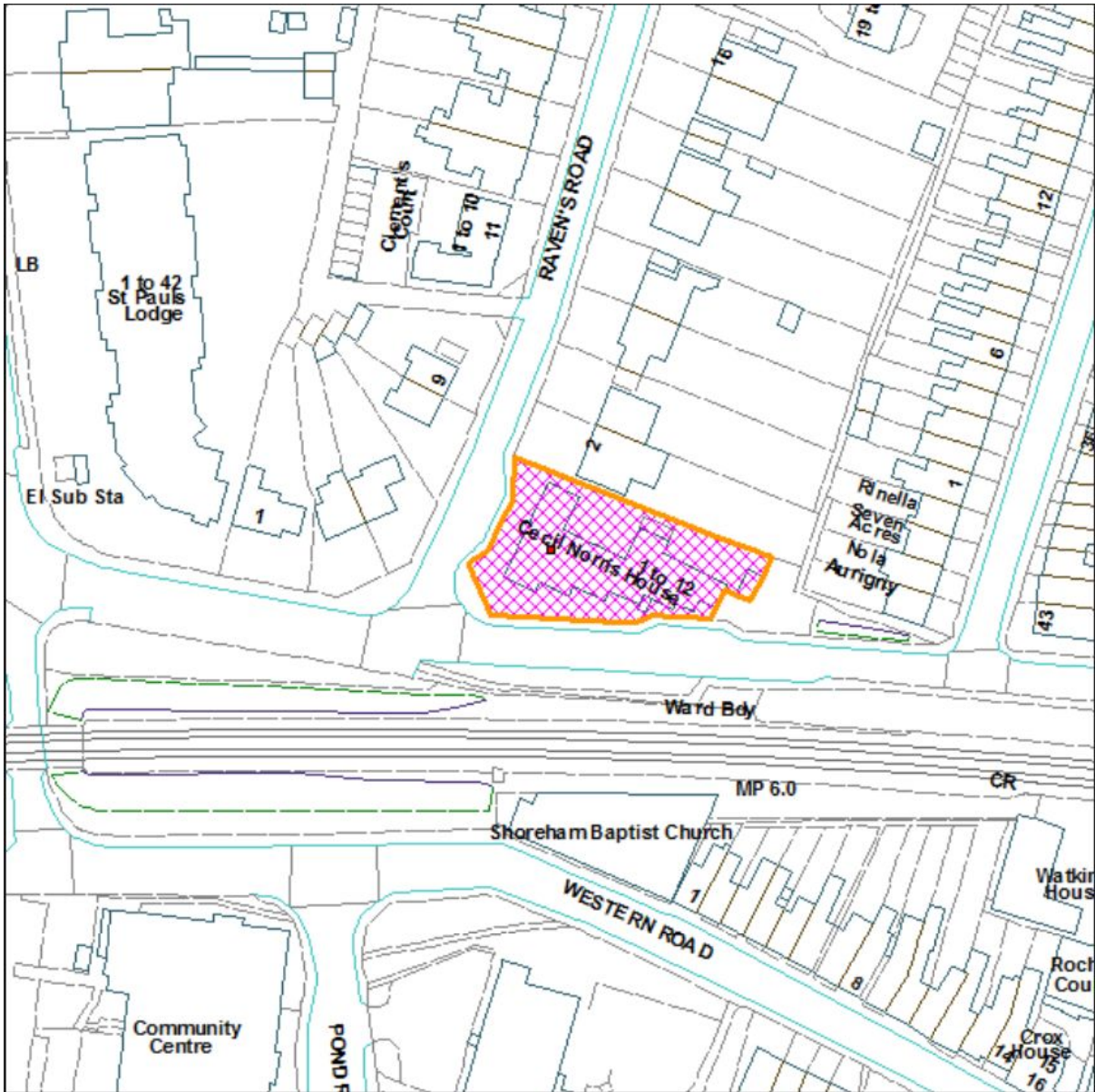
**Application Number: AWDM/2015/20                      Recommendation – APPROVE**

**Site:                      Cecil Norris House, 2A Ravens Road, Shoreham-By-Sea**

**Proposal      Application to vary conditions 1, 12 and 13 of previously approved AWDM/1742/18: Amendments: A gantry has been added to provide access to the roof; Rainwater downpipes have been added to drawings; the main entrance lobby has been set back in the south elevation; glazing to the entrance lobby and stairwell has been simplified and reduced; glazed side of the hall is no longer present; rooflight over the entrance lobby has also been reduced; dimensions of the bike and bin store have been reduced and are now proposed to be timber clad rather than brick; minor amendments to the fenestration in the west elevation; Transoms have been added to some of the windows in the north elevation; High level windows in the north elevation are now openable to a maximum of 100mm; Windows to the ground floor in the northern elevation will now be clear glazed; The reglit wall previously proposed in the northern elevation has been removed and replaced with smaller, traditional windows; The terrace and balconies at the south-west corner of the building have been reduced; The green wall previously proposed to part of the north elevation has now been removed; Solar panels in place of green roof on the western part of the building.**

Applicant: Mr Jake Lock,  
Adur District Council  
Agent: Mr Martin Carpenter  
Case Officer: Gary Peck

Ward:                      St Nicolas



**Not to Scale**

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**Proposal, Site and Surroundings**

This application seeks amendments (as outlined in full in the application description above) to the permission granted under reference AWDM/1742/18 for the demolition of the previous building known as Cecil Norris House and its replacement over 3 levels with 5 x 1 bed flats and 10 x 2 bed flats. The previous permission is in the process of being implemented, having been under construction for some time, but as the development has progressed, a number of changes have been proposed which collectively require a new permission, which is the subject of the application.

The application is a ‘major’ development and has been submitted on behalf of the Council and therefore needs to be brought to the Committee for consideration.

It is understood that the previous building on the site was built in the early 1970s and consisted of 12 studio flats and 1 x 2 bedroom flat. There was also a guest room,

laundry and lounge. The building was demolished in 2019, having been vacated by residents the previous year..

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

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

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

It is understood that the applicant has been in dialogue with the occupiers to discuss the alterations proposed under this application prior to its submission.

### **Relevant Planning History**

AWDM/1742/18: Demolition of existing building and construction of new building consisting of 5 x 1-bed flats and 10 x 2-bed flats over 3 levels, with associated parking, cycle and bin storage and landscaping - granted permission in 2019.

AWDM/1232/20: Application for a non-material amendment to previously approved AWDM/1742/18. Amendments: Omit the Reglit glazing to the first floor and replace it with windows and smoke vents, a requirement by Building Control. Installation of transoms to windows with obscure glass up to 1700mm above FFL. Truncated windows receive no obscured glass as facing east and west. Windows are openable and on 100mm restrictors. External access ladder added to provide access to the roofs. The bin and bike store has been amended from a brick structure to a horizontal timber clad lightweight structure. **Application refused** on the grounds that the proposed alterations to the obscure glazing of the windows has the potential to impact upon the amenities of neighbouring properties and therefore is not considered appropriate to consider under the non material amendment procedure.

### **Consultations**

No comments received

## **Representations**

No comments received

## **Relevant Planning Policies and Guidance**

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

Development Control Standards – Space Around New Dwellings and Flats

National Planning Policy Framework (CLG 2019)

Planning Practice Guidance (CLG)

## **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 principle of development has been established by the grant of the previous permission and therefore the main issue in the determination of the application is whether the proposed changes are acceptable in terms of their impact upon the visual character of the area and the amenities of neighbouring properties. The changes are assessed below:

i) *A gantry has been added to provide access to the roof for maintenance purposes.*

This is one of the elements of the proposal that will have the most visual impact as a set of access ladders will now be visible which did not form part of the proposal. However, it is not considered so detrimental to warrant a refusal and, as explained below, there are now solar panels on the roof which are required to be adequately maintained by planning condition and therefore access to the roof will be necessary.

ii) *The green wall previously proposed to part of the north elevation has now been removed*

The reasons given for this alteration are:

- *A north facing elevation significantly limits the options to introduce a green wall such that the only realistic option is ivy.*

- *There are well known damage and maintenance issues surrounding ivy climbing on existing walls and therefore a structure/mesh would need to be installed for the ivy to grow on and this would need to be a minimum of 1m from the wall. Furthermore, two storeys is regarded as a substantial area to achieve successful coverage for climbing ivy.*
- *The installation of such a mesh would bring the elevation closer to the adjoining property to the north and this would be likely to have some impact on levels of light and general amenity to the adjacent occupiers.*
- *The retention of the existing light coloured brick across the northern elevation will reduce the visual impact of the building in views from the adjacent property compared to darker ivy planting.*
- *The green wall only occupied part of the northern elevation and was not required to make the scheme acceptable in terms of sustainability. Therefore, its removal is not considered to have a significant or negative impact on the development.*

Your Officers consider that this will result in an improvement to the amenities of the neighbouring property to the north, the effect of the development upon which was the main issue in the consideration of the previous application. Whilst there are alternatives to Ivy for north facing green walls, it is recognised that other plant species will require greater maintenance and there are likely to be cost implications replacing plants that die. In wider visual terms, because the proposed green wall was proposed on the northern elevation it would have little effect on the appearance of the development from public viewpoints and hence the impact upon the neighbour weighs in favour of the proposed change.

*iii) The green roof on the western part of the building has also been removed but there are now solar panels on this section of roof which will achieve the same level of benefits in terms of sustainability for the proposal.*

Further to ii), it is considered that any concern regarding a perceived reduction in the sustainability of the building is overcome by the addition of solar panels which seem an obvious solution given the nature of the approved building. Such panels have been similarly used on the Shoreham Centre for example and are considered acceptable.

*iv) The main entrance lobby has been set back in the south elevation which results in a minor reduction in the footprint of the building. The glazing to the entrance lobby and stairwell has been simplified and reduced; the glazed side of the hall is no longer present so is not visible in the eastern elevation. The rooflight over the entrance lobby has also been significantly reduced in both profile and size.*

This is a minor change that will be barely discernible in wider visual terms and given it results in a small reduction to the footprint of the building, it is not an alteration that could be considered to have a materially adverse impact on the development.

*v) The lift shaft on the roof is slightly wider and slightly lower than previously proposed.*

A lift shaft formed part of the previous approval and the overall effect of the altered dimensions will again be hardly discernible from the public viewpoint and accordingly no objection is raised.

vi) *Windows to the ground floor in the northern elevation will now be clear glazed as the 2m high boundary wall provides screening to ensure there is no overlooking of neighbouring properties from the ground floor windows.*

The previous permission required obscure glazing in all of the windows on the northern elevation. However, now that the boundary wall has been agreed, it is clearly sufficiently high for the windows in question to be only facing this fence and therefore there is no further requirement to obscure glaze them. This will benefit the future occupier of the rooms in question.

vii) *The reglit wall previously proposed in the northern elevation has been removed and replaced with smaller, traditional windows. This will reduce light spillage from the building.*

There was no objection to the reglit wall previously proposed which allows light to enter the proposed dwellings, but as this was on the northern elevation towards the neighbouring residential property, if the required degree of light can be achieved via smaller windows, which would be of an appearance more in keeping with the surrounding area, then your Officers consider it is an alteration which can be supported.

vii) *High level windows in the north elevation (those more than 1700mm above floor level) are now openable to a maximum of 100mm. The top half of the truncated windows are also openable to a maximum of 100mm. This is required for ventilation purposes as the mechanical ventilation to the building is no longer proposed.*

The previous non material amendment application was refused because an amount of clear glazing was proposed to some of the windows in question. It is important to maintain a balance between protecting the amenities of neighbouring properties and allowing suitable ventilation to occupiers of the rooms in question and it is felt that this limited opening to the higher parts of the windows, which will therefore prevent any overlooking of neighbouring properties and gardens is considered to be an acceptable solution. From a sustainability point of view providing natural ventilation is far better than having to rely on mechanical ventilation.

viii) *The terrace and balconies at the south-west corner of the building have been reduced so that they no longer wrap around the corner of the building but extend only to the south.*

This is considered a minor change to which there is no objection

ix) *The dimensions of the bike and bin store have been reduced (whilst still providing the required amount of storage internally) and the elevations are now proposed to be timber clad rather than brick.*

It is not uncommon for bike and bin stores to be timber clad and it is not considered essential for it to match the main building in terms of brick material given it is situated to the side of the building and accordingly there is no objection to the change.

x) *Rainwater downpipes have been added to the elevational drawings/Transoms have been added to some of the windows in the north elevation.*

These are both considered very minor alterations to which there is no objection.

## **Conclusion**

It is considered that the alterations are minor and will help facilitate the provision of much needed affordable housing. Accordingly, it is recommended that the application is approved.

## **Recommendation**

### **GRANT permission subject to the following conditions:-**

01 Approved Plans

02 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

**Reason:** *To provide car-parking space for the use.*

03 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

**Reason:** *To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.*

04 No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed car parking spaces in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

**Reason:** *In the interests of road safety.*

05 The drainage strategy shall be implemented in accordance with the details contained in the email from Andrew Keen, HOP Consulting Civil and Structural Engineers dated 19 January 2019 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** *To ensure an adequate drainage strategy for the site.*

06 The development hereby permitted shall provide 100% affordable housing in accordance with the approved scheme and shall meet the definition of



affordable housing in the National Planning Policy Framework or any future guidance that replaces it.

**Reason:** *To address the specific need for affordable housing as set out in the Adur Local Plan 2017.*

- 07 The development hereby permitted shall not be occupied 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 policies 15 and 30 of the Adur Local Plan.*

- 08 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 (other than as hereby approved) shall be formed in the northern elevation of the building.

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

- 09 No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Bank or Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.*

- 10 The windows in the northern elevation of the building hereby permitted above ground floor level shall be obscure glazed and shall be permanently fixed to only allow opening up to 100mm in accordance with details to be submitted to and approved by the Local Planning Authority prior to the occupation of the building and they shall not subsequently be altered in any way without the prior agreement of the Local Planning Authority.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to policies 15 and 34 of the Adur Local Plan.*

- 11 Prior to the occupation of the building hereby permitted a maintenance regime for the sedum roof of the eastern part of the building shall be submitted to and agreed in writing by the Local Planning Authority and the approved regime adhered to thereafter.

**Reason:** To ensure that the sustainability benefits and visual appearance of the building are preserved by adequate maintenance

### **Informatives / Notes to Applicant**

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which have now been published and are available to read on our website via the following link  
<https://beta.southernwater.co.uk/infrastructurecharges>

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

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

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

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

**Local Government Act 1972  
Background Papers:**

As referred to in individual application reports

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

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

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

### **7.0 Reputation**

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

8.1 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.

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ADUR DISTRICT  
C O U N C I L

Adur Planning Committee  
8 February 2021  
Agenda Item no. 7

Ward: Peverel and Cokeham

## Sompting Parish Neighbourhood Plan - Regulation 14 Consultation Response from Adur District Council

### Report by the Director for the Economy

#### 1.0 Summary

- 1.1 Consultation has commenced on a draft Sompting Parish Neighbourhood Plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 Act). This report sets out Adur District Council's proposed comments on the emerging neighbourhood plan.

#### 2.0 Background

- 2.1 Sompting Parish Council embarked on the process of preparing a neighbourhood plan in 2012, when the Neighbourhood Plan Area Designation was agreed. <https://www.adur-worthing.gov.uk/media/Media,105325.smxx.pdf>. The plan reached examination in July 2018. However at the Examination, the Parish considered the Plan required amending and at an Extraordinary Parish Council meeting on 25th July 2018 agreed to withdraw the Plan. <https://www.adur-worthing.gov.uk/media/Media,150225.smxx.pdf>
- 2.2 Since then, the Parish has been working on a revised plan. This has been made available for consultation from 7th December 2020 - 15th February 2021, in accordance with Regulation 14 of the Neighbourhood Plan (General) Regulations 2012. <https://www.sompting.org.uk/wp-content/uploads/2020/12/SPNP-Final-Dec-2020.pdf>

- 2.3. Development proposals in a neighbourhood plan must be consistent with the relevant Local Plan; for the Sompting Neighbourhood Plan, this will be the Adur Local Plan 2017 (for that part of the Parish which lies outside of the South Downs National Park) and the South Downs Local Plan (within the South Downs National Park).

### **3.0 Proposals**

- 3.1 The Draft Neighbourhood Plan contains 12 policies. These address matters including housing and affordable housing, design, local green spaces and open spaces, transport, and protection and enhancement of community facilities. The plan supports rural business and development, and sets out proposals for rural activities within the existing Local Green Gap in the Adur Local Plan area, including a community farm. The Plan also refers to proposals to enhance the Harriet Johnson Centre, and Sompting recreation ground. The Plan is also accompanied by a Housing Estates and Design Guide.

### **4.0 Legal**

- 4.1 The procedures for producing a neighbourhood plan are set out in the Schedule 4B to the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012.

### **5.0 Financial implications**

- 5.1 Government grant is made available to Adur District Council at specific stages in the neighbourhood plan process. This particular stage of consultation is led by the Parish Council, and therefore no costs are incurred by Adur District Council other than officer time.

### **6.0 Recommendation**

- 6.1 It is recommended that:
- 1) Members consider the proposed consultation response set out in Appendix 1
  - 2) Any comments from the Committee are collated and forwarded to the Executive Member for Regeneration for consultation, and then submitted as ADC's formal response to the Draft Sompting Parish Neighbourhood Plan.



**Local Government Act 1972**

**Background Papers:**

Sompting Parish Neighbourhood Plan  
Housing and Estates Design Guide

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## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 Thriving and connected communities; tackling climate change and supporting our natural environment

### **2.0 Specific Action Plans**

- 2.1 The Government created neighbourhood plans to allow local people to have greater influence on development within their area.

### **3.0 Sustainability Issues**

- 3.1 The Sompting Parish Neighbourhood Plan seeks to address some sustainability matters. Should the neighbourhood plan be 'made' (adopted), the relevant policies of the Adur Local Plan 2017 would also apply in that area of the Parish addressed by the Adur Local Plan.

### **4.0 Equality Issues**

- 4.1 None identified.

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

- 5.1 No specific issues identified, other than that indicated in the draft response.

### **6.0 Human Rights Issues**

- 6.1 None identified

### **7.0 Reputation**

- 7.1 Adur District Council has a legal duty to 'advise and assist' Parishes or Forums producing Local Plans. The draft response is intended to provide constructive advice regarding the development of the neighbourhood plan.

## **8.0 Consultations**

8.1 This Regulation 14 public consultation on the neighbourhood plan is led by Sompting Parish Council. Internal consultation on the proposed response has taken place with Parks and Landscapes Team and Estates Team.

## **9.0 Risk Assessment**

9.1 There is a legal duty for local authorities to 'advise and assist' Parishes producing neighbourhood plans.

## **10.0 Health & Safety Issues**

10.1 None identified.

## **11.0 Procurement Strategy**

11.1 No issues identified.

## **12.0 Partnership Working**

12.1 There is a legal duty for local authorities to 'advise and assist' Parishes producing neighbourhood plans. As such, officers from the Planning Policy Team have been assisting Sompting Parish Council in progressing their neighbourhood plan.

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**Appendix 1**

**ADUR DISTRICT COUNCIL RESPONSE TO SOMPTING PARISH NEIGHBOURHOOD PLAN  
(REGULATION 14 CONSULTATION, DECEMBER 2020 - FEBRUARY 2021)**

<b>SPNP Consultation version, December 2020</b>	
<b>General comments:</b>	<p>We welcome the publication of the Sompting Parish Neighbourhood plan for consultation, and acknowledge the work undertaken by the Parish to progress the plan. The following comments are intended to be a constructive response, to help in the development of the plan.</p> <p>Many of the comments below have been made on previous occasions. It appears that the plan has not been properly updated since the version submitted to Examination and subsequently withdrawn, as references to the stage of the plan, and associated documents are incorrect.</p> <p>Paragraph 043 of the Planning Practice Guidance states that duplication of the planning process should be avoided. The issue of duplication was also raised by the Examiner in his Post Meeting Notes <a href="https://www.adur-worthing.gov.uk/media/Media_150047_smx.pdf">https://www.adur-worthing.gov.uk/media/Media_150047_smx.pdf</a> (paragraph 2)</p> <p>The Parks Team have advised that the document could refer to the following: no net loss of biodiversity, and the provision of ecosystem services and natural capital services.</p>
Plan A page 6.	<p>This does not show the plan area (which the heading refers to) - this is an extract from the Adur Local Plan Policies Map. This is also replicated as Plan C later on in the document.</p> <p>You could perhaps delete this plan and amend paragraph 1.2 to instead refer to your Policies Map on page 27.</p>
1.3	<p>You may wish to remove the line ‘the statutory process...’ as it is incorrect; this consultation itself forms part of the statutory process.</p>
1.4	<p>It would be worth clarifying that the Housing and Estates Design Guide is intended to form part of the plan, and is itself published for consultation, in order to avoid any confusion.</p>
1.6	<p>Needs updating - refers to intention to submit plan in 2016</p>
1.7	<p>It appears this has not been updated from the previous version of the plan. As written this gives the impression that this plan is based on a previous pre-submission document; that this consultation version is to be submitted, and that examination is the next step. In fact this consultation is the first stage in the process and following submission a further Regulation 16 consultation stage is required.</p>

1.9	Is there a Consultation Statement published alongside this plan? This may refer to the document prepared to accompany the previous (withdrawn) version of the Plan).
	Some of the latter bullet points do not relate specifically to production of the neighbourhood plan. Please clarify. As mentioned previously, much of this could be removed and put into the Consultation Statement; once the document is adopted, this section will serve little use.
2.2	This refers to a character area map in Annex B. There is no map in Annex B, although there is a reference to ADC. If this refers to the map printed in error as Plan A, this is not a character map, but a map showing adopted policies.
2.7	Reference to Plan A - see above.
2.9	2.9 Cokeham Brooks is now known as a Local Wildlife Site; its boundaries were recently reviewed and extended.
2.10	Your Policies Map does not show the conservation area - in fact the document doesn't show it anywhere.
2.14	a) Is this the area now known as Malthouse Meadows Forest Garden? Can this be updated?
2.15	3rd bullet point. Original use? Do you mean previous/ current use? The ability of the planning system to address this has been changed since introduction of Class E.
2.17	A Local Cycling and Walking Infrastructure Plan has been prepared by Adur District.
2.18	For information the ADC Objectively Assessed Housing Needs Study 2015 has been superseded. The most up-to-date statement of housing needs can be found in the: Adur and Worthing Strategic Housing Market Assessment 2020. <a href="https://www.adur-worthing.gov.uk/media/Media.157227.smxx.pdf">https://www.adur-worthing.gov.uk/media/Media.157227.smxx.pdf</a>
2.20	How does this relate to the Housing and Estates Design Guide?
3.1	Given that both the Adur Local Plan 2017 and South Downs Local Plan have been adopted, please delete 'and emerging'.
3.2	PPG is updated from time to time, so you do not need to refer to 2014.
3.3	As previously advised, this paragraph needs updating. For that part of the parish in the SDNPA the relevant Local Plan is the South Downs Local Plan. For that part of the Parish outside of the SDNP, it is the Adur Local Plan 2017. For the whole of the parish, the West Sussex Waste Local Plan and West Sussex Minerals Local Plan should also be referred to. References to saved policies of the 1996 Adur Local Plan should be deleted. Plan B page 16 can now be deleted.

	<p>This matter was referred to in the Examiner's Final Report (paragraph 9)</p> <p><a href="https://www.adur-worthing.gov.uk/media/Media_150137.smxx.pdf">https://www.adur-worthing.gov.uk/media/Media_150137.smxx.pdf</a></p>
Page 16	<p>This is titled 'planning policy sites within Sompting Parish' but in fact shows an extract from the Adur Local Plan 1996 Policies Map, which is no longer relevant.</p>
3.13	<p>Policy 10 has already been set out on the previous page - could cross-refer to the previous reference.</p>
3.5 - 3.8	<p>This section needs to be updated to reflect the adoption of the South Downs Local Plan.</p>
3.9	<p>This paragraph is better suited in another section, as it does not relate to the Adur Local Plan.</p>
	<p>The adopted Local Plan paragraphs <b>3.7 - 3.10</b> refer to Sompting</p>
Page 19.	<p>Plan C could be better titled 'extract from Adur Local Plan 2017 Policies Map'.</p>
Page 20	<p>Plan D is again the same map as Plan C and A</p>
Page 23	<p>Plan no longer refers to design zones.</p>
4.6 - 4.7	<p>ADC would welcome discussion with representatives of Sompting PC (and potentially officers of the National Park) to agree which policies can be monitored by the Local Planning authorities, and what additional local level monitoring the Parish wish to undertake.</p>
5. Community Aspirations	<p>We would recommend moving this to after the Neighbourhood Plan policies. The paragraph before 4.10 introduces the policies so it is confusing for the reader to then have this section before the policies. We are also unsure what the purpose is of the ALP extract maps on pages 27 and 28.</p>
Page	<p>Assets of Community Value: We note the proposed Assets, however as previously explained to the Parish Council, there is a separate application process for Assets of Community value. These can be progressed outside of the neighbourhood plan process.</p>
5.4	<p>This states the PC supports the sympathetic redevelopment of the former waste transfer station. Is there a policy to this effect? We note the text here simply stated the Parish Council's support for the redevelopment of this site. However we would highlight that should this revert back to a policy allocating the site for redevelopment, the District Council (in liaison with the SDNPA) would need to revisit whether a SEA is required.</p>
Page 26	<p>Community facilities - is there a policy on these proposals? If so it would be worth cross-referring to it) (For information, with regards to the proposals for the proposed</p>

	<p>changing rooms and potential changes to the Harriet Johnson Centre, the SPC will need to seek landlord's consent before any alterations can be made to the property).</p>
<p>Policy1</p>	<p>Strictly speaking this policy isn't necessary, as you do not need to say that development must be in accordance with the development plan.</p> <p>If this policy is retained it should be amended, because as written it infers that development proposals not on the Policies Map do not have to accord with the ALP/ SDNPA. It should perhaps be rewritten 'All development proposals...'</p> <p>As above - all references to saved policies and emerging plans should be removed (paragraphs 1.1 and 1.3) from text.</p> <p>Para 1.2 states that the policy acknowledges the West Sompting allocation, but in fact it makes no reference to it. Also para 1.2 should refer to the adopted Adur Local Plan - not PSALP. (The Proposed Submission ALP was an earlier version).</p>
<p>Policy 2: Future development, affordable housing and housing for rent.</p>	<p>Are you expecting all levels of development to provide a Landscape and Visual Impact Assessment? This may not be practical, and should perhaps be limited to larger developments - for example major developments (eg residential developments of 10 dwellings or more). This section relating to landscape and views would be better located in another policy. Otherwise it infers that this requirement relates only to residential development.</p> <p>With regards to the local connection policy, our advice to you dated January 2019 included the following quote from the then Head of Housing:</p> <p>"Allocation of social housing is governed by Part 6 of the Housing Act 1996 (as amended). Section 167 of the act states as below,</p> <p>(1) Every local housing authority shall have a scheme (their "allocation scheme") for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.</p> <p>(8) A local housing authority shall not allocate housing accommodation except in accordance with their allocation scheme.</p> <p>The proposed local connection definition contradicts Adur District Council's allocation scheme (Register of Housing Need and Choice Based Lettings Policy) and therefore will be a breach of the relevant legislation. For this reason, we are unable to support the proposed changes."</p> <p>The current Head of Housing at Adur &amp; Worthing Councils has confirmed that he endorses these comments. As such, we again ask that references to a local connection test are removed from the Neighbourhood Plan</p> <p>You do not need to refer again to the ALP -paragraph 043 of Planning Practice Guidance states that duplication of the planning process</p>



	<p>should be avoided.</p> <p>Housing and Tenancy mix - again it is not necessary to repeat the provisions of the ALP 2017. Please remove.</p> <p>Policy 2a: Housing types: The Adur Local Plan (and subsequent Strategic Housing Market Assessment 2020) sets out the mix of housing needed for adur's residents, both market and affordable tenures.</p> <p>2b; this repeats the provisions of the housing and tenancy mix section again, and is already addressed by the ALP - please remove.</p>
2.1	See comments above regarding local connectio.
2.2 Number of dwellings	<p>The reference to 480 homes relates to the ALP allocation at West Sompting, rather than Sompting Parish generally; this would benefit from clarification. However it is not clear why this is referred to here.</p> <p>We note the text relating to the ADC choice-based lettings system, but would request that our comments above are taken into account.</p>
Policy 3 Sustainable Design	<p>General point - this policy would benefit from renumbering as there are two sets of i-iii</p> <p>i) Should this refer to HEDG 2020? Is the HEDG not part of the Plan anyway? As raised previously (eg 2018) this seems to infer that all parts of the parish share the same characteristics. Given that much of the development within Sompting's built up area boundaries consist of post war development we would query whether it is appropriate to apply the requirement for 'aesthetic qualities of traditional rural settlements and buildings' throughout the parish. These types of development are primarily found within Sompting Conservation area, the historic village, although the policy does not make this clear.</p> <p>iii) As raised previously it is not clear how a threshold height of 3 storeys is justified; there are already some blocks of flats in Sompting, and these types of homes can meet the need for starter/smaller properties referred to elsewhere in the plan. Should second line say 'in keeping with the character of the local area'?</p>
	<p>i) To address surface water management you might want to refer to guidance produced by West Sussex County Council:</p> <p><a href="https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/sustainable-drainage-systems/">https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/sustainable-drainage-systems/</a></p> <p>(For info, the term wastewater generally refers to foul)</p> <p>ii) Renewable energy requirements are set out in ALP policy 19. It may be worth considering if this addresses this matter sufficiently.</p> <p>viii) 'rural nature of village' - which area does this requirement apply to,</p>

	<p>and what does it mean? Does it refer to the whole parish? The ALP defines the rural area as that area outside of the defined Built Up Area Boundary. How would a development proposal demonstrate this desire? This doesn't seem to be written as a policy. If you are happy with the ALP and SDNP policies in relation to light pollution you don't need to include a reference to this matter here.</p> <p>ix: As raised previously ADC have concerns regarding the buffer zones on the grounds of safety/ antisocial behaviour, litter, and general management. Is this buffer expected between all new housing developments (how would this work for a development of 1 or 2 houses?), or just the West Sompting allocation? As written it appears to refer to the West Sompting allocation, but it doesn't actually say this. Do you envisage pathways/public access through these buffer zones?</p> <p>Glad to see the issue of management has been considered (3.3) although you will need to make alternative arrangements should this group cease to exist.</p> <p>xi) ADC has its own external space standards. Are there specific standards in the HEDG?</p>
3.1	<p>Are you referring to the historic core of the village (eg the conservation area?) If so, the majority of Sompting's development is not in keeping with this.</p>
Policy 4: Sompting Local Centre	<p>Seadown Parade, The Parade, and Hillbarn Parade are already protected under ALP policy 27; therefore for these three parades this policy is duplication of the Local Plan.</p> <p>Furthermore, please be aware that since the introduction of use class E on 1st September 2020, retail uses (A1) are to be treated as Class E and can therefore change to other uses in Class E without requiring planning permission.(As such the existing ALP policy will need to be reviewed in due course, to reflect this change in policy).</p> <p>Given this, it is suggested that this policy is reviewed.</p>
Policy 5: Local Green Spaces and Open Spaces and Policy 6	<p>References to NPPF need to be updated as the document was revised in 2019; relevant paragraphs are now 99 and 100.</p> <p>Policy 6 states that development ancillary to recreational purpose will be acceptable to sites listed under that policy; why is the same exception not given to the sites in Policy 5?</p> <p>Given that some of the areas listed under Policy 5 are recreation grounds, are you saying that development ancillary to use as an open space is not appropriate in those cases? This appears to be in conflict with policy 32 of the ALP 2017.</p>
Policy 7: Rural businesses	<p>i)Would suggest this criterion reads 'accord...with relevant policies of the ... development plans <b>and</b> where necessary' (rather than 'or').</p>

	<p>v) Loose Lane - located in gap; any development here will therefore need to comply with policies 13 and 14 of the ALP 2017.</p> <p>viii) Query the role of this criterion. Policy 13 of the ALP makes clear that development will only be permitted where the need for a countryside location is essential - for quiet informal recreation or the essential needs of agriculture/ horticulture. As such retail/ cafe uses as set out in part c) of your policy would appear not to comply; are you referring to a cafe use as ancillary part of community farm? If so, this is not clear.</p> <p>In addition it appears that you propose ancillary cafe uses in Policy 8 - are you anticipating further such uses in addition to this?</p>
7.3	<p>Strategic Vision of Sompting Estate. Not clear on status of this - as appended it appears to form part of the plan - are you anticipating this would form part of the document that would be examined? It seems more appropriate as part of the evidence base, and therefore should be separated from the Plan. However, this document does contain some useful explanation and justification of some proposals in the plan (eg the proposed barn at Loose Lane); some text could perhaps be replicated in the Neighbourhood Plan to explain the basis for the proposals.</p>
7.4	<p>See previous comments regarding saved policies.</p>
Policy 8	<p>ii) community farm:</p> <p>Should the community farm proposals form part of Policy 7, if that is what the cafe/retail business in Policy 7 refers to? What are the 'processing facilities' referred to?</p> <p>We would advise grouping criteria iii and iv with the rest of the policy.</p> <p>Criterion iii. Is the growing space referred to in the West Sompting allocation (Policy 6) in the Adur Local Plan? If so this does not need to be repeated. What are the 'necessary and proportionate service facilities' referred to in this criterion? 8iv - will need to comply with Policies 13 and 14 8.4 Remove reference to Council officer.</p>
8.1	<p>You may wish to clarify what LEMP means</p>
Policy 9	<p>ii) Is there a reason Dankton Lane is mentioned as a potential site for health and wellbeing uses?</p> <p>Do you define somewhere what your definition of health and wellbeing uses is?</p>
Policy 10/4.51	<p>The supporting text refers to heritage and landscape issues, but these are not reflected in the policy.</p>
4.52	<p>See previous comments regarding saved policies. Does the South</p>

	Downs Local Plan refer to broadband matters? Given Policy 37 of the ALP, is this policy required?
Policy 11 Sustainable Transport	<p>We welcome the principle of a Sustainable Transport policy; West Sussex County Council are best placed to comment on many aspects of this policy, as Highway Authority. In addition Policy 28 of the Adur Local Plan addresses a range of transport and travel matters.</p> <p>5 Cycle paths. You will be aware that Adur &amp; Worthing Councils have recently adopted a Local Cycling and Walking Infrastructure Plan. This might be worth referring to in the supporting text? Are there any proposed routes within it which might also be of interest?</p> <p>6 There is a heading 'Low Carbon Policy' - are the paragraphs below part of Policy 11?</p> <p>6i-vi - all new residential developments - even of 1 dwelling? viii) Is a Personal Travel Plan co-ordinator proposed by WSCC? How would this be achieved?</p>
Policy 12 Protection and enhancement of community facilities and services	<p>Bullet point 4 - these sites also seem to be protected by Policy 5. Is this duplication necessary?</p> <p>12 a,b,and c: these issues are addressed in the Adur Local Plan and do not need to be repeated. Furthermore, addressing these matters in this policy seems to imply that they are only a concern in relation to the protection and enhancement of community facilities and services.</p> <p>Should the reference to a sports pavilion on Sompting Recreation Ground actually be part of the policy?</p> <p>Ditto with regards to the reference to proposals for the Harriet Johnson Centre, and the last paragraph of text (unnumbered) below Policy 12? As referred to above, any changes to the Centre will require consent of Adur District Council as the landlord.</p> <p>The OS map extract requires a copyright reference.</p>
Section 6	<p>6.3 As raised previously with the Parish, the monitoring of all policies (not just sites) needs to be addressed.</p> <p>6.4 Developer contributions for education and health are sought from relevant development, and using advice from the education authority and health bodies (eg PCT). The Adur Infrastructure Plan sets out priorities for use of these monies, and will be updated alongside a review of the Adur Local Plan 2016.</p> <p>6.4iii refers to improvements to cycle and pedestrian networks in Sompting parish 'as indicated on the Policies Maps' - not clear that they are shown on this map?</p> <p>6.5 As raised previously Adur does not have CIL. It is recommended that paragraph 6.5 is revised or deleted.</p>

## HOUSING AND ESTATES DESIGN GUIDE

	As no page/paragraph numbers are given, we will assume the first page is page 1, etc.
Page 3	Lower Cokeham is now a Local Wildlife Site rather than SNCI
Page 3 second paragraph	<p>Do not understand first sentence. Are you talking about opportunities for further residential development? Second line - Local Plan policy address appropriate uses in the Local Green Gap suggest this paragraph is reworded.</p> <p>There was previously a reference to the West Sompting allocation here.</p> <p>Final paragraph before 'Buildings' Section: Not sure the term infrastructure has been used correctly. Do you mean features?</p>
Section 1 buildings.	<p>the photographs could be rearranged so that you have the historic properties together, perhaps on one line, then below, photographs of newer properties which use those materials/ have similar characteristics.</p> <p>'Any new development should follow these lines...' Any? Does this include residential extensions? Does this include non-residential development? Or do you mean newbuild residential only? Do you expect to see these features on new build properties throughout the Parish? Given that much of the residential</p>
	development within the Built Up Area boundary consists of postwar development, are some of these requirements really appropriate/ necessary in all locations?
	This paragraph refers solely to materials. Are there any other matters, such as mass/bulk/height that are relevant?
	'Developers should restrict the forming of flats...' What does this mean when applied to development across the whole parish? What is the particular concern with regard to flats - does it relate to the need for, or design of some flats?

	<p>On one hand you wish to restrict building heights to no higher than three storeys but on the other you recommend careful use of roof space to negate the need to expand outwards - are these contradictory? Given the high level of housing need in Adur, and the range of dwelling types required, flat developments certainly meet some identified needs. No justification has been given for the restriction of flats to three storeys.</p>
2 Walls	<p>Is the use of strong boundary features e.g. walls worth highlighting in itself before going on to describe the most common materials? Is this something you are seeking developers to incorporate or is it just where they chose to, you would encourage them to use these materials?</p>
	<p>The start of this section describes flint walling as being commonly used in relation to arable and pasture land. It is not made clear why this material should be used in other contexts</p>
	<p>Last sentence - think you mean biodiversity rather than diversity?</p>
3 Roofs and chimneys	<p>In addition to encouraging developers to reflect the style of surrounding properties, would you also be encouraging them to reflect the materials?</p>
	<p>The final paragraph regarding views will be difficult to apply in practice.</p>
4 Windows	<p>The para on windows in the Conservation Area is not clear. We do not always have control over windows in the Conservation Area, especially if the design replicates the existing.</p>
5 Carbon Emissions	<p>As mentioned in our comments of August 2017, as a result of the Government's Housing Standards Review the Code for Sustainable Homes has been withdrawn and the Government has advised that qualifying bodies preparing neighbourhood plans should not set in their emerging neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. We therefore recommend this section is deleted.</p> <p>Policies 18 and 19 of the Adur Local Plan 2017 promote sustainable design and consideration of renewable or low carbon energy.</p>
6	<p>Seems to require a heading?</p>
7 Trees	<p>The tree section could be misinterpreted: although the first sentence mentions Conservation Areas, the second sentence in isolation could be taken to mean that no tree at all can be removed without notice to the Council. The second sentence needs to reflect that this is for non preserved trees in the Conservation Area only.</p>

8 Hedgerows and Ponds	<p>We are unsure how paragraph 3 on surface water flooding relates to hedgerows and ponds. This could benefit from being in a separate subsection.</p> <p>There is no requirement for developers to provide evidence on what measures are to be taken to reduce the effect of surface water flooding. Please remove the line beginning:” The Local Authority will require...’</p> <p>Where a Flood Risk Assessment (FRA) is required this should assess flood risk to and from a development and set out how this will be managed across the lifetime of the development.</p> <p>The guide refers to flood preventative measures which enhance conservation. For clarity we would recommend replacing this with’...would expect the developer to take every opportunity to incorporate the use of Sustainable Drainage Systems (SuDS) that enhance biodiversity.’</p>
10 Street Furniture	<p>Last paragraph; ‘The Council has a policy on the provision of bus shelters’.</p> <p>Is this referring to a proposed Neighbourhood Plan policy, or a preference of the Parish Council? Or WSCC? You may wish to clarify this. It would be worth specifying the ‘Parish Council’ to avoid confusion, if that is what you mean.</p>
11 Estate design	<p>Given that this is a separate section on estate design, should it cross-refer to the issues raised in the previous Sections?</p> <p>The first paragraph talks of unity and houses blending into surroundings, whereas section 3 states buildings ‘should not be all the same’. Should this section refer to avoiding repetition of dwelling types, or something similar?</p> <p>Point 2 states that ‘Variation in types and size of dwellings should reflect the existing mix and importantly local needs’. The Adur Local Plan refers to required housing sizes for market and affordable dwellings.</p> <p>The Strategic Housing Market Assessment 2020 provides an up-to-date assessment of needs, for both market and affordable tenures.</p> <p>Point 4 Garage compounds can lead to security issues, and are often used for storage, rather than parking cars. Suggest Police are consulted with regards to Secured by Design issues.</p> <p>Point 5: The retiling of roofs would not require planning permission. Suggest this is deleted.</p>

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ADUR DISTRICT  
C O U N C I L

**Adur Planning Committee**  
**8 February 2021**  
**Agenda Item no. 8**

**Ward:** Marine Ward

## **ADC Good Practice Guide for Houseboats**

### **Report by the Director for the Economy**

#### **1.0 Summary**

- 1.1 An updated version of the 'Adur Houseboats Good Practice Guide' has been produced. (This updated document will supersede the previous version). This report seeks the comments of the committee on the document prior to the Executive Member for Regeneration considering the updated practice guide.

#### **2.0 Background**

- 2.1 A Good Practice Guide to Houseboats was published by Adur District Council in 2007. This related to the existing area of houseboats on the south side of the river Adur. The houseboats of Shoreham are part of the town's character, providing a unique type of housing. However, it is important to ensure that the natural environment of this part of the river is conserved and enhanced. Development can have a positive or negative impact on the appearance of the area, on residential amenity and on the sensitive biodiversity of the area.
- 2.2 This updated Good Practice Guide advises existing and future houseboat owners on the type of development and changes which are appropriate to the houseboats and those which are not, taking account of the need to protect and enhance the river environment whilst respecting the unique characteristics of the houseboat community, and ensuring the privacy of the houseboats residents. This Good Practice Guide, together with the Adur Local Plan 2017, will provide a framework for considering any applications submitted to Adur District Council and the Environment Agency.

- 2.3 The Guide refers to relevant planning policies from the Adur Local Plan 2017 (including those relating to the Local Green Gap, countryside, biodiversity and water quality.)
- 2.4 Houseboats do not benefit from permitted development rights in the way that houses on land do; this is because they are not consistent with the definition of development. (“Development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land - Town and Country Planning Act 1990). This is a result of national legislation and not something that the local authority can change. As a result some works, such as the erection of outbuildings that may normally be allowed under permitted development for a dwelling house will require permission for a houseboat. Houseboats are exempt from Building Control regulations
- 2.5 The document has been updated to take account of a range of factors, including:
- i) the updated planning policy context; references to the Adur Local Plan 1996 have been replaced and updated with the Adur Local Plan 2017 and relevant policies.
  - ii) development of the Adur Tidal Walls
  - iii) the creation of the Marine Management Organisation: the document explains that certain works may require a licence from the Marine Management Organisation, and indicates where further advice can be found.

### **3.0 Proposals**

- 3.1 The document gives advice on planning-related matters, including works likely to require planning permission; relevant planning policies; guidance on appropriate size of houseboats, and the issue of additional houseboats on a single mooring.
- 3.2 Although this document will provide a framework for considering relevant applications submitted to ADC, it is not proposed that this Guidance document be made a Supplementary Planning Document (SPD). SPDs are designed to expand on policies within Local Plans or other Development Plan Documents. Although Policy 11 of the Adur Local Plan 2017 makes reference to this guide, the guide also addresses some issues which go beyond planning matters. These include advice on biodiversity; the responsibilities of houseboats owners in relationship to moorings; utilities matters (including sewage), and works requiring environmental permits from the Environment

Agency (in consultation with Natural England and the RSPB) and Marine Management Organisation.

- 3.2 As a result, this document will not have the weight of a SPD. This is consistent with the previous Good Practice Guide of 2007, which again, was not adopted as a Supplementary Planning Document.

## **Consultation**

- 3.3 Liaison has taken place with the Environment Agency, Royal Society for the Protection of Birds (RSPB), Marine Management Organisation, Shoreham Port Authority, Natural England, and some residents of the houseboats.

## **4.0 Legal**

- 4.1 Recent case law has confirmed that the use of houseboats may amount to a material change of use and may require planning permission (*R(KP JR Management Company Ltd) v London Borough of Richmond & Key Marine Ltd [2018] EWHC 84 (Admin)*). Section 3.2 of the guidance confirms that planning permission may be required in various different circumstances including for the replacement of and alterations to houseboats.

- 4.2 As confirmed in the guidance, in addition to planning permissions, other consents, licenses and permissions may be required in respect of houseboats, for example a marine license from the Marine Management Organisation or environmental permit from the Environment Agency. The guidance provides further information about these regimes and encourages existing and future houseboat owners to obtain further information from the relevant regulatory body.

## **5.0 Financial implications**

- 5.1 No additional financial implications are anticipated as a result of approving this guidance

## **6.0 Recommendation**

- 6.1 It is recommended that the contents of this document are noted, and any comments are forwarded to the Executive Member for Regeneration.

## **Local Government Act 1972**

### **Background Papers:**

Adur Good Practice Guide for Houseboats 2007

Adur Local Plan 2017

### **Contact Officer:**

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## **Schedule of Other Matters**

### **1.0 Council Priority**

- 1.1 Smarter infrastructure - using innovation, planning and design to future proof what we build, use and live in; working with communities already active in stewardship and guardianship of our natural environments

### **2.0 Specific Action Plans**

- 2.1 The Guide updates the existing Houseboats Guidance published by the Council in 2007.

### **3.0 Sustainability Issues**

- 3.1 The document aims to support sustainable forms of development and reduce potential adverse impacts arising from houseboat-related development.

### **4.0 Equality Issues**

- 4.1 None identified.

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

- 5.1 None identified

### **6.0 Human Rights Issues**

- 6.1 None identified

### **7.0 Reputation**

- 7.1 The Guide aims to positively assist the local community.

### **8.0 Consultations**

- 8.1 Liaison has taken place with the Environment Agency, Royal Society for the Protection of Birds (RSPB), Marine Management Organisation, Natural England and residents of the houseboats, on the content of the document, which has been amended to reflect up-to-date responsibilities.

## **9.0 Risk Assessment**

9.1 Failure to update the document could result in a lack of understanding of current regulatory requirements.

## **10.0 Health & Safety Issues**

10.1 None identified.

## **11.0 Procurement Strategy**

11.1 Not relevant.

## **12.0 Partnership Working**

12.1 See 'Consultation' above.



# ADUR DISTRICT COUNCIL

## ADUR HOUSEBOATS GOOD PRACTICE GUIDE (REVISED)

August 2020



ADUR DISTRICT  
COUNCIL

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## I. Introduction

- I.1 This Good Practice Guide relates to the area of houseboats<sup>1</sup> on the south side of the River Adur as shown on the map on page 15. There are over 40 houseboat mooring plots within the area, on which are situated houseboats of varying size, age and appearance. The houseboats have many ancillary structures, such as jetties, platforms, storage sheds, bunkers and fences; these are also of widely varying sizes and designs on the riverward side of the footpath. In addition to these, the residents have created gardens on the south side of the bank and some sections for vehicle parking.
- I.2 The houseboats of Shoreham are part of the town's character, providing a unique type of housing. However, it is important to ensure that the natural environment of this part of the river is conserved and enhanced. Development can have a positive or negative impact on the appearance of the area and on residential amenity. There have been instances where houseboat owners have needed clarification over whether planning permission is required.
- I.3 There is little guidance, nationally or locally, specifically related to this form of accommodation and therefore this guide will help to clarify the situation. Policy 11 of the Adur Local Plan 2017 (adopted in 2017) relates specifically to Shoreham-by-Sea, and contains a reference to the Houseboats Good Practice Guide of 2007 (or any Council guidance which amends or supersedes it). This Guide will supersede that document.
- I.4 This Good Practice Guide advises existing and future houseboat owners on the type of development and changes which are appropriate to the houseboats and those which are not, taking account of the need to protect and enhance the river environment whilst respecting the unique characteristics of the houseboat community. This Good Practice Guide together with the Adur Local Plan 2017 will provide a framework for considering any applications submitted to Adur District Council and the Environment Agency. (Please note that repairs or works carried out to houseboats in or above water may need a licence from the Marine Management Organisation (MMO) – please see Appendix I).

If emergency repair works need to be carried out, the Environment Agency (EA) will have to be informed using the 24-hour hotline 0800 80 70 60. You can act without applying for a Flood Risk Activity Permit to manage the impacts when there is an imminent risk of serious:

- Flooding
- Damage to or preventing land drainage

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<sup>1</sup> Houseboats are defined by section 8 of the Housing Act 1985 as a “boat or similar structure designed or adapted for use as a place to live.”

- Harm to the environment

But you must contact the EA as soon as possible, explaining what happened and what you did. The EA may later instruct you to make changes to the work.

The MMO or any other Authority (e.g. Port Authority) will need to be contacted separately, if permits are required which are within their remit.

The objectives of this guide (which reflect the relevant planning policies referred to below) are as follows:

- To protect and enhance the nature conservation interests of the area - given that it is part of the Adur Estuary SSSI.
- To strike a balance between the privacy of the residents and maintaining the open aspect and character of the houseboat area.
- To protect the amenities of houseboats and nearby dwelling houses – amenity of residents should not be adversely affected by additional noise, overbearing impact or over-looking to a material extent beyond which is already experienced.
- To retain the character of the houseboats area - the variety of sizes, shapes and types of houseboats is a distinctive and an established aspect of the character of the area, giving it a sense of place. Where new development requires planning permission it should maintain the open aspect in order to maintain this distinctive character.
- To protect the wider riverside setting of Shoreham-by-Sea - the mooring area is prominent when viewed from a number of directions.
- To protect and improve the water quality of the Adur Estuary - it is important to ensure the estuarine water is of a high quality to protect public health, flora and fauna.

## Definition of development

- 1.5 Houseboats do not benefit from permitted development rights in the way that houses on land do; this is because they are not consistent with the definition of development. “Development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. More details may be found in the Town and Country Planning Act 1990. This is a result of national legislation and not something that the local authority can amend. As a result some works, such as the erection of outbuildings that may normally be allowed under permitted development for a dwelling house will require permission for a houseboat. Houseboats are exempt from Building Control regulations.

## 2. Background Information

### River Defences

- 2.1 Access to the houseboats is obtained via a concrete footpath (a public right of way) which runs along the top of the riverbank from Brighton Road to the west and Riverside to the east. This embankment is a primary river defence; any works close to it require byelaw consent from the Environment Agency (EA). Its integrity is essential to the prevention of tidal/fluvial flooding of the residential area of Shoreham Beach. The Environment Agency has been developing a major improvements scheme called the Shoreham Adur Tidal Walls. For further information visit:

<https://www.gov.uk/government/publications/shoreham-adur-tidal-walls-scheme>

See also Section 7.

### Nature Conservation

- 2.2 The area is part of the Adur Estuary Site of Special Scientific Interest (SSSI)<sup>2</sup>. The part of the SSSI north and west of the houseboat plots is owned by the Royal Society for the Protection of Birds (RSPB) as their Adur Estuary nature reserve.
- 2.3 The majority of the houseboat plots extend from the centre of the ditch on the south side of the river embankment northwards to a distance of generally 46m (150ft) from the footpath into the SSSI. Certain works within the SSSI require consent from Natural England and damage to it or disturbance to fauna constitutes an offence.
- 2.4 This area comprises inter-tidal mudflats and saltmarsh (the Saltings) which support wadingbirds and reptiles including lizards and slow worms which are found on the riverbank. Information on protected species can be found on [www.sxbrc.org.uk](http://www.sxbrc.org.uk) and at [www.naturalengland.org.uk](http://www.naturalengland.org.uk). More information can be found in section 9.
- 2.5 The Adur Local Plan may be found at <https://www.adur-worthing.gov.uk/adur-local-plan/>

### Moorings

- 2.6 Only moorings designated as houseboat plots can accommodate a vessel which is to be used as a dwelling. Unlike normal leisure moorings, houseboat plots have associated planning permission from the Council attached to the mooring. No-one is permitted to live on a vessel unless it is on a houseboat plot. Harbour Dues and Council tax are applicable to all houseboats.

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<sup>2</sup> (designated and protected under the Wildlife and Countryside Act 1981 as substituted by the Countryside and Rights of Way Act 2000 and inserted by Section 55 of the Natural England and Rural Communities Act 2006)

## Houseboat owners who own the mooring site

- 2.7 The Environment Agency states that in the majority of cases the houseboat owner owns the mooring site as well as both sides of the flood defence embankment. This status as riparian owner brings with it additional responsibilities with respect to maintenance of the riverbank, these can be found on the Environment Agency (EA) website: <https://www.gov.uk/guidance/owning-a-watercourse>
- 2.8 Failure to carry out their responsibilities could result in possible civil action from others.

## Utilities

- 2.9 The houseboats are connected to mains water and electricity but, with a few exceptions, are not connected to the public sewer (Southern Water). Sewage is discharged directly into the river (in the majority of cases first having been macerated). It was the view of the Planning Inspectorate on an appeal in 1998 that a condition requiring a replacement houseboat to be connected to the sewer was not a reasonable requirement (because the replacement boat would not increase the amount of pollution). Connection to the public sewer which runs along the south side of the riverbank (except the western end) is clearly a desirable objective and the houseboat community, Adur District Council, Southern Water and the Environment Agency are looking at whether a practicable solution can be found. The Shoreham flood defence project has installed a blank/empty duct through the new defence for each houseboat, to allow future connection should the houseboat owners agree a way forward with Southern Water Services.

## Navigational interests

- 2.10 The houseboats are within the statutorily defined port limits of the Shoreham Port Authority whose main concern is to ensure that movement of vessels to and from the moorings and construction works do not adversely affect navigational interests.

## 3. General Principles for Development in the Houseboats Area

- 3.1 The general character of the houseboat area should be maintained since this adds to the vibrancy of the community, and the privacy of the houseboat residents should be respected. However, the houseboats (as with any other use) should not have a negative impact upon the natural environment and should respect the unique habitat within which they are situated. The area should be kept clear of waste materials and storage solutions should be found to make the area tidier and more sympathetic towards the nature conservation requirements. Any changes in this area should maintain the open feel of a river community and continue to allow excellent views across the river, not only for houseboat owners but also the nearby residents and visitors to the river.

## What requires planning permission?

3.2 In summary, planning permission may be required for:-

- A replacement houseboat bringing about a material physical change to the land.
- Additional houseboats on the same plot, even for a temporary period.
- Alterations to a houseboat, materially altering its appearance.
- Construction of platforms, jetties, sheds, and bunkers (including alterations materially changing the external appearance of such structures and including replacement structures).
- Fences over 2 metres high.

3.3 Houseboat owners are strongly encouraged to discuss replacements with the Council and other organisations so that advice can be given regarding the need or otherwise for planning permission and that any proposed changes are in line with the objectives of this Good Practice Guide. In particular, additional houseboats should not be sited before discussion with the Council as this may lead to enforcement action and subsequent prosecution.

## 4. Planning Policies for the Area

4.1 The Adur District Local Plan 2017 is the adopted 'development plan' for that part of Adur which lies outside of the South Downs National Park. This Plan provides policies and proposals for the development and use of land and forms the basis of assessing planning applications including those relating to houseboats.

4.2 The houseboats area is located outside the Built Up Area Boundary (and is therefore considered countryside for planning policy purposes); within the Lancing-Shoreham Local Green Gap; and within the Adur Estuary Site of Special Scientific Interest. As a result development is not generally permitted unless it meets strict criteria. Development should be determined in accordance with the development plan, unless other material considerations indicate otherwise.

### Planning Policy Issues

4.3 The following policies of the Adur Local Plan 2017 are of particular relevance:

**Policy 2: Spatial Strategy** establishes the principle of the Built Up Area Boundary (inside of which development is acceptable in principle) and the countryside.

**Policy 13: Adur's Countryside and Coast** establishes the principle that development will only be permitted in the countryside in very limited circumstances. In addition, the policy states that:

*“The landscape character of Adur and other areas of countryside, the coast, river, and settlement pattern will be protected and where possible enhanced...”*

**Policy 14** relates to the designated **Local Green Gaps**. This makes clear that the designated areas will be protected to retain the separate identities and avoid coalescence of the settlements. Within the defined areas, any development permitted must not lead to the coalescence of settlements.

Supporting text in the Plan explains that great importance should be attached to protecting and, where possible, enhancing the distinctive character of the countryside area in Adur. This includes protecting the river, waterways and coast (paragraph 3.47, Adur Local Plan 2017).

**Policy 11** of the Adur Local Plan 2017 relates specifically to **Shoreham-by-Sea**. Paragraphs 3.21-3.23 of the supporting text note that a significant number of houseboats are located within the western arm of Shoreham Harbour on long-established moorings. The Council recognises that they fulfil a useful housing purpose and provide a unique type of accommodation. Where planning permission is required, houseboat-related proposals will be assessed in accordance with other policies in this Local Plan.

Policy 11 states:

*“The setting of the River Adur will be protected and opportunities taken through new development and other measures to improve public access to and along the river (where consistent with this aim) and open up views to it. New development adjacent to the river must respect its location and character... The main area of houseboats on the western and eastern banks of the River Adur will be maintained and new proposals assessed against the Council's Good Practice Guide for Houseboats (as amended or superseded by other Council guidance in force at the time an application is considered).”*

This document will supersede that referred to in the adopted policy.

**Policy 15** is called ‘**Quality of the Environment and Public Realm**’. This makes clear that new development should be well-designed and integrated into the landscape and townscape, and contribute positively to Adur's character and distinctiveness. It includes the requirement that:

*“Development should be of a high architectural quality and respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping”.*

This policy will be applied to consideration of all applications where relevant.

**Biodiversity** is explicitly addressed by **Policy 31**. Given the location of the houseboats within the Adur Estuary SSSI, it is particularly important to ensure that development does not have any adverse impacts on this area of high importance. Sections of the policy with particular relevance are as follows:

*“All development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites...”*

*Proposed developments which would adversely affect a Site of Special Scientific Interest (SSSIs) (individually or cumulatively) will not normally be permitted. Where appropriate, the Authority will use planning conditions or obligations to provide appropriate enhancement and site management measures, and where impacts are unavoidable, mitigation or compensatory measures. Where relevant, new development adjacent to the Adur Estuary or the coast will have to demonstrate how it is addressing the issue of coastal squeeze.”*

**Policy 34: Pollution and Contamination** is important given the biodiversity and water environment in this houseboats area. Policy 34 includes the following:

*“Development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment.”*

Water quality is specifically addressed by **Policy 35, Water Quality and Protection**, as follows:

*“Development will be permitted provided that:*

*It does not have an unacceptable impact on the quality and potential yield of local water resources and the water environment; also*

*It protects and enhances groundwater, surface water features and controls aquatic pollution to help achieve the objectives of the Water Framework Directive; and*

*It has an adequate means of water supply (even in a drought), sufficient foul and surface water drainage and adequate sewage treatment capacity.”*

Please note that this is not an exhaustive list of policies from the Adur Local Plan 2017; others may apply depending on the type or location of proposed development.

Taking these policies into account, the following general principles apply:

- Generally, new development in the Adur Estuary SSSI, countryside and Local Green Gaps is resisted.
- Development is not permitted if it would have an adverse effect on nature conservation in the river valley, or views along and across the river.
- New ancillary development (i.e. minor development linked to the domestic use of a houseboat) is generally acceptable subject to scale and maintaining the open character of the area.
- Mooring of additional permanent houseboats on one plot is not permitted.

## 5. Dimensions of Houseboats

5.1 The Council wishes to see the unique character and variety of the houseboats continue whilst ensuring there are no negative impacts on the surrounding residents, the environment and other houseboat owners. The following should be used as a guide for replacement houseboats, taking into account the location of each individual mooring.

- Length and width to be consistent with the majority of other boats.
- Typical height is around 5.5m, replacement boats should be in keeping with this to avoid overlooking of neighbouring boats.
- Houseboats should be a reasonable distance from the riverbanks - a distance of approximately 5m is recommended to ensure that visual openness is maintained.
- Superstructures should aim to be nautical rather than domestic in appearance, preferably the walls will be at a raked angle with curved roofs.
- Design: Superstructures should aim to be nautical rather than domestic in appearance, preferably the walls will be at a raked angle with curved roofs.

5.2 For advice on sheds, bunkers, platforms, jetties and fences see Section 7.

## 6. Additional Houseboats

6.1 The permanent mooring of additional houseboats on a single plot will not normally be permitted due to the location within the Local Green Gap and SSSI, as will the creation of any additional wet moorings for boats generally.

6.2 It is acknowledged that in order to repair or convert houseboats there may be a need for two boats to be moored temporarily on the same plot, although it is essential that the Council is made aware of such necessity before the additional mooring takes place. The additional mooring will be expected to be in place for no longer than six months. In exceptional circumstances, the Council may consider an application for an extended period of a further 6 months, provided that clear justification is provided for the necessity of the additional mooring for an extended period of time.

6.3 The Council is unlikely to agree to additional boats becoming permanent especially where they have negative environmental and amenity impacts contrary to the objectives of this guide.



## 7. Structures such as jetties, platforms, sheds, bunkers and fences (on a plot but not part of the boat)

- 7.1 After the completion of the Shoreham Adur Tidal Walls Scheme, a Technical Note has been produced by Mott Macdonald on behalf of the EA to outline the limitations and recommendations with regards to the provision of ancillary structures and modifications that involve physical alterations to the flood defence within Reach W5 of the Shoreham Adur Tidal Walls scheme. The guidance was circulated to all houseboat owners.
- 7.2 Prior approval from the Environmental Agency is needed for any works in, over, under or within 16 metres of the Shoreham Adur Tidal Walls Scheme. Further information on the Flood Risk Activity Permit process can be found here: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
- 7.3 The Environment Agency and Natural England would like to see jetties and platforms esigned and built with a more open structure to allow light through as shadowing reduces the growth of plants and algae (which support invertebrates, fish and birds in the area) and damages the special features of the SSSI. This should of course be balanced with ensuring the structure is safe for use.

**Jetties (access walkways):** Depending on the precise circumstances of the individual mooring concerned, these should be no higher than the path.

**Platforms (decking):** These should be positioned directly adjacent to the riverbank path and should be no higher than the path.

**Sheds and bunkers:** These should normally be no higher than 1.8m and no more than 3 square metres in floor size (e.g. 2m by 1.5m).

**Fences:** Whilst affording privacy to houseboat residents, they can obstruct views of the river from the riverbank path. It is preferred that fences are only erected if absolutely necessary and are kept low, up to 1 metre.

## 8. Which Works Require Environmental Permits for Flood Risks Activities

- 8.1 Any works whatsoever in, over or under the channel of the River Adur or on its banks, the tidal wall/embankment or within 16 metres of the landward toe require a Permit for Flood Risk Activities from the Environment Agency under the Environmental Permitting Regulations 2016.

## 9. What Requires Consent from Natural England

9.1 The houseboat area carries a range of environmental designations. It is part of the Adur Estuary Site of Special Scientific Interest (SSSI), which includes the south side of the embankment, which is an important habitat for reptiles. Houseboat owners have responsibilities as owners/ occupiers under the Wildlife and Countryside Act 1981 not to damage the special interest of the site.

9.2 The SSSI is important principally for its saltmarsh and mudflat habitat which supports birds including ringed plover and redshank. It also supports common lizards on the embankment. More information on the designated features can be found at:

<https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=SI003359&SiteName=adur&countyCode=&responsiblePerson=&SeaArea=&IFCAAArea=>

9.3 The inter-tidal area on the north side of the houseboats is an RSPB nature reserve. (See map at end of document).

9.4 Everyone has to recognise the significance of the designations and ensure that negative impacts are prevented. Natural England emphasize that it is a legal requirement to obtain consent for works prior to them being undertaken. Any works, such as trenches, that are needed to enable the delivery of new boats or the removal of old boats from the site will need prior consent from Natural England and also from the RSPB, if on their land. Natural England issues consent to landowners. For more information on responsibilities, see:

<https://www.gov.uk/guidance/protected-areas-sites-of-special-scientific-interest>

Operations requiring Natural England consent are listed at:

<https://designatedsites.naturalengland.org.uk/PDFsForWeb/Consent/1003359.pdf>

9.5 The RSPB acquired the Adur Estuary nature reserve in 1986 and it has since played an important role in providing feeding and roosting areas for waders and wildfowl. Intertidal habitats are a threatened and limited resource in South East England and so need to be managed to maximise their value to the wildlife that they support. Based on this, the RSPB will not agree to any additional moorings within the reserve boundary. In addition, the RSPB seeks consultation on any works that may adversely affect the SSSI or the RSPB nature reserve, such as the replacement of houseboats.

9.6 In order to protect the intertidal areas, mudflats and saltmarsh within the SSSI, a policy of minimal or no disturbance is required. Due to coastal squeeze, from rising sea levels and hard defences, these habitats are being lost on a national scale. This issue is exacerbated in South East England due to the land levels still sinking as a result of the last ice age and also as a result of inappropriate coastal management and land reclamation.

9.7 In relation to the houseboats, this means that there should be no storage of materials on the intertidal areas. The Environment Agency and Natural England advise there should be no deposition/storage of any materials on the saltmarsh vegetation and mudflats and no

erection of structures which will reduce its area or potential usage by birds (e.g. jetties and walkways) without prior consultation and consent from Natural England.

- 9.8 Any material on the intertidal area will damage the habitat by:
- Physical damage to the plants.
  - Shading of plants and the mud, preventing plant and algal growth in the area.
  - Changes to the hydrology of the tides, causing erosion of sediment and damage to the structure of the sediment and plants.
  - Loss of habitat for invertebrates, fish and birds to use for feeding and shelter.
- 9.9 Causing excessive shade on the saltmarsh or mudflat will prevent the growth of plants and algae. Structures such as fences, jetties and walkways should be constructed with an open structure which will allow light to penetrate to ground level.
- 9.10 Access to the estuary should be kept to a minimum and, where necessary, be kept to established paths to keep disturbance of the sediment and plants to a minimum.
- 9.11 The storage of boats within areas of undisturbed habitat which is predominantly within the RSPB reserve, but also includes some areas of the houseboat owners' plots, should not be permitted. This results in the smothering of saltmarsh and the reduction in area of mudflat which can be used by birds. There may be exceptional cases in which this may be permitted but this will require agreement from Natural England and the landowners.
- 9.12 Trenches are particularly damaging to the site, as they disturb the sedimentary processes within the estuary. They also destroy any areas of saltmarsh plants which are dug up to create the trench.
- 9.13 The landward face of most of the riverbank is also part of the SSSI due to the population of common lizards which it supports. In order to maintain this in a favourable condition, suitable refuge, hibernating and basking areas need to be available, and the risk of predation from domestic animals such as cats needs to be reduced.
- 9.14 The lizards are especially vulnerable to disturbance when they are hibernating between October and March. They are protected under the Wildlife and Countryside Act 1981 which makes it illegal to intentionally kill or injure them. Houseboat owners should notify Natural England if they are planning works within the area used by lizards. Also, if they intend to trim or mow then this should be done from the middle outwards to allow any lizards the chance to move out of the way and avoid harm.
- 9.15 Residents of the houseboats play a valuable role in looking after the SSSI as they are able to keep an eye out for people that might be carrying out damaging activities, eg bait digging or picking saltmarsh plants. The houseboat owners can also get involved, for example, by counting the birds they see and submitting their records to the Sussex Biological Records Centre.

## **10. Which Works Require Licenses from the Marine Management Organisation?**

- 10.1 The Marine Management Organisation (MMO) licenses and regulates activities in the seas around England, to ensure that they are carried out in a sustainable way. Repairs or works carried out to the houseboats in or above water may need a licence from the MMO. The MMO has also produced the South Marine Plan. Please see Appendix I for more information.

## **11. Pollution and Waste Management**

- 11.1 Pollution is caused through the discharge of sewage, paint, oil and other substances from houseboats. This can have a significant negative impact on the water quality of the river, the health of people living, working and playing on/at the water, and on the estuarine biodiversity.
- 11.2 It would be highly preferable that discharge of untreated sewage and other wastes directly to the estuary be avoided. Excessive input of nutrients (both from sewage and grey water, which contains pollutants such as phosphates) changes the plant and animal communities which survive, and reduces water quality both within the estuary and out to sea. The Environment Agency wishes an alternative solution to be sought. The Shoreham flood defence project has installed a blank/empty duct through the new defence for each houseboat, to allow future connection should the houseboat owners agree a way forward with Southern Water Services. Connections would remove these discharges of untreated sewage from the estuary. Untreated sewage could also impact nearby Bathing Water beaches and Shellfish Beds. As of August 2019 residents have indicated that currently in their opinion there is not a financially viable solution to this. However, the infrastructure to make mains connection possible is in place and it remains highly preferable that discharges to the estuary are stopped.
- 11.3 At present, only one of the houseboats is connected to mains sewer. All other boats discharge sewage directly to the river with no treatment. A minimum requirement is that sewage tanks are pumped-out on an ebb current (outgoing tide). Tide tables are available on the BBC website via the following link: <https://www.bbc.co.uk/weather/coast-and-sea/tide-tables>
- 11.4 Macerators are present in most vessels and reduce the waste into smaller pieces, resulting in faster breakdown of sewage on entering the river. Bacteria activator tablets, used in septic tank maintenance, can also be added to the holding tank to promote microbial breakdown.
- 11.5 Water quality sampling is undertaken monthly by Adur and Worthing Councils' Environmental Health Department at four points on the River Adur (Old Tollbridge, Norfolk Bridge, Shoreham Footbridge and 'Adur Rec. Bridge' on the A259) to establish the extent of any contamination from raw sewage.

- 11.6 Some houseboats are unused and/or in a bad state of repair. Such boats will be identified by the Council and the owners requested to undertake their removal or to repair them in the interest of safety and the quality of the environment of the area.

## **12. Car Parking**

- 12.1 Some vehicles associated with the houseboats are parked in the area between the Beach Green car park access road and the riverbank or on the northern edge of the recreation ground. It is important to ensure that parking can be accommodated without impacting on the environment and wider recreational use of the area. The area of land from the ditch to the service road is owned by Adur District Council and is included in the car parking order, therefore it is part of the public car park. Parking provision will be improved so that cars can in future be parked in suitable areas. The houseboat owners can purchase a resident permit to park in the permit holder areas only and can also purchase resident visitor permits for their residents to park in the permit holder area.
- 12.2 For information regarding parking, including season tickets, please contact Adur & Worthing Councils Parking Services team.

## **13. Monitoring and Enforcement**

- 13.1 An objective of this guidance is to reduce the occurrence of works being carried out without the necessary planning permission or Environment Agency permitting approach, consent from Natural England or licence from the Marine Management Organisation. (NB houseboats are exempt from Building Control.) If a complaint is received, then it will be fully investigated. Houseboats are considered vessels and as such the Environment Agency are not currently able to permit and control any discharges of sewage from them.
- 13.2 If a complaint is received, then it will be investigated and action taken if required, but it is hoped everyone will follow the guide.

## Appendix I: Licenses from the Marine Management Organisation

Advice as to which works may require a licence from the Marine Management Organisation, and how to go about this, can be found as follows:

Guidelines on whether a marine licence is needed:

<https://www.gov.uk/guidance/do-i-need-a-marine-licence>

Exempt activities, explaining whether exempt activities require a notification to the MMO or not:

<https://www.gov.uk/government/publications/marine-licensing-exempted-activities>

Self-service licensing services:

<https://www.gov.uk/government/publications/self-service-marine-licensing>

In July 2018 the MMO adopted the South Marine Plan:

<https://www.gov.uk/government/publications/the-south-marine-plans-documents>

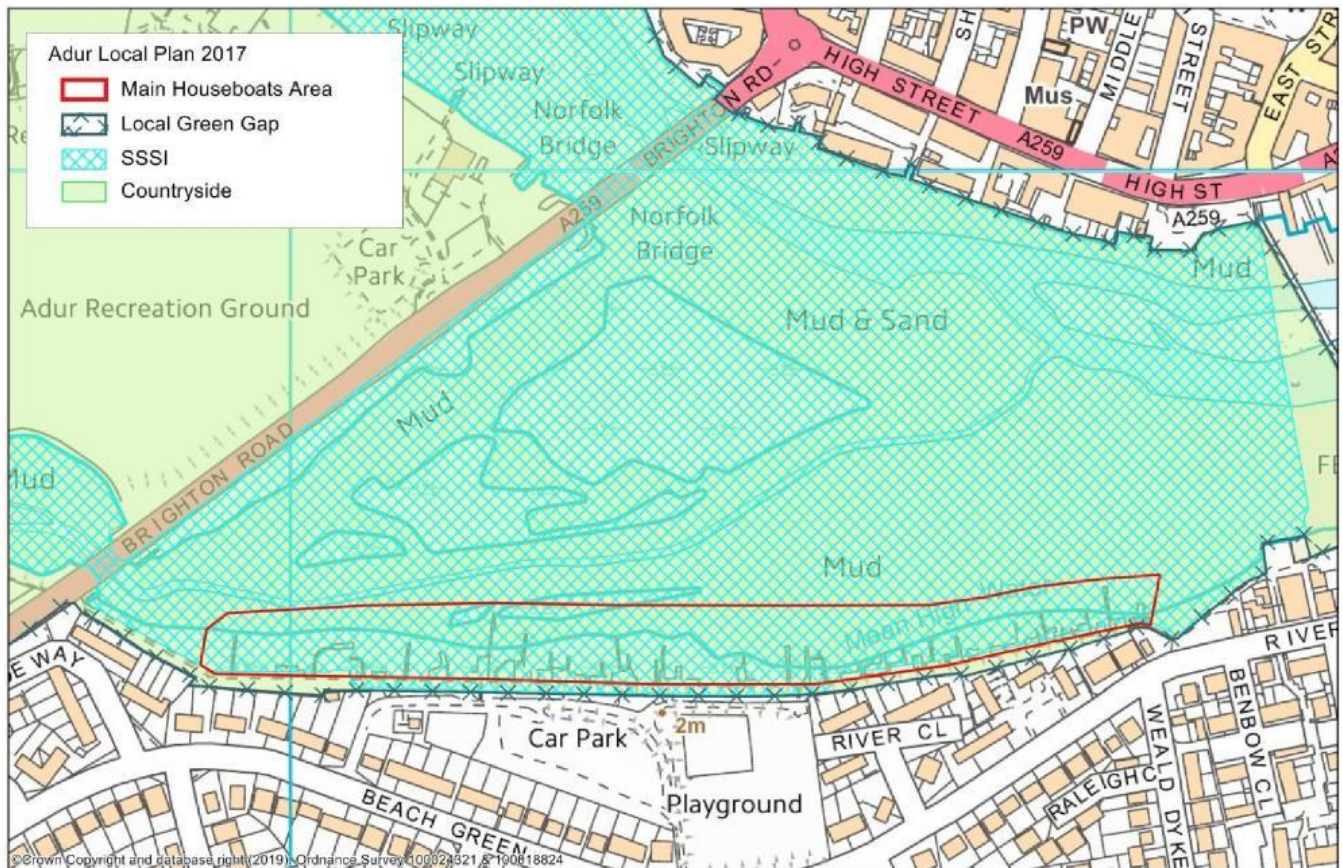
This includes policies on a range of matters, including water quality (S-WQ-1 and S-WQ-2), infrastructure (S-INF-1) and co-existence (S-CO-1).

Other useful Links:

Marine planning: <https://www.gov.uk/topic/planning-development/marine-planning>

Marine licences: <https://www.gov.uk/topic/planning-development/marine-licences>

# Map showing houseboats area and key policy designations from the Adur Local Plan 2017



**Adur District Council  
Planning Policy  
Portland House  
44, Richmond Road  
Worthing  
West Sussex  
BN11 1HS**



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