



ADUR DISTRICT COUNCIL

25 February 2022

Adur Planning Committee	
Date:	7 March 2022
Time:	7.00 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chair), Stephen Chipp (Vice-Chairman), Dave Collins, Tania Edwards, Jeremy Gardner, Paul Mansfield, Steve Neocleous and Carol O'Neal

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail democratic.services@adur-worthing.gov.uk before noon on Friday 4 March 2022.

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 3 March 2022

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

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

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

4. Confirmation of Minutes

There are no minutes to be confirmed.

5. Items Raised Under Urgency Provisions

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

6. Planning Applications (Pages 5 - 40)

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

7. Planning Appeals

None to report.

8. First Homes - Publication of Interim Position Statement for Adur Local Plan area. (Pages 41 - 54)

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

Part B - Not for publication - Exempt Information Reports

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:
Katy McMullan Democratic Services Officer 01903 221006 Katy.mcmullan@adur-worthing.gov.uk	Laura James Senior Lawyer & Deputy Monitoring Officer 01903 221322 Laura.james@adur-worthing.gov.uk

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



ADUR DISTRICT
COUNCIL

Planning Committee
7 March 2022

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/0123/22 **Recommendation – APPROVE**

Site: 20 Lancing Close, Lancing, West Sussex BN15 9NJ

Proposal: Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to pollard at 14 to 16 metres to above previous points Poplar trees T3, T4, T5 and T6.

2

Application Number: AWDM/2007/21 **Recommendation – APPROVE**

Site: 51 Old Fort Road, Shoreham-By-Sea, West Sussex

Proposal: Demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses (including lower ground floor below existing ground level)

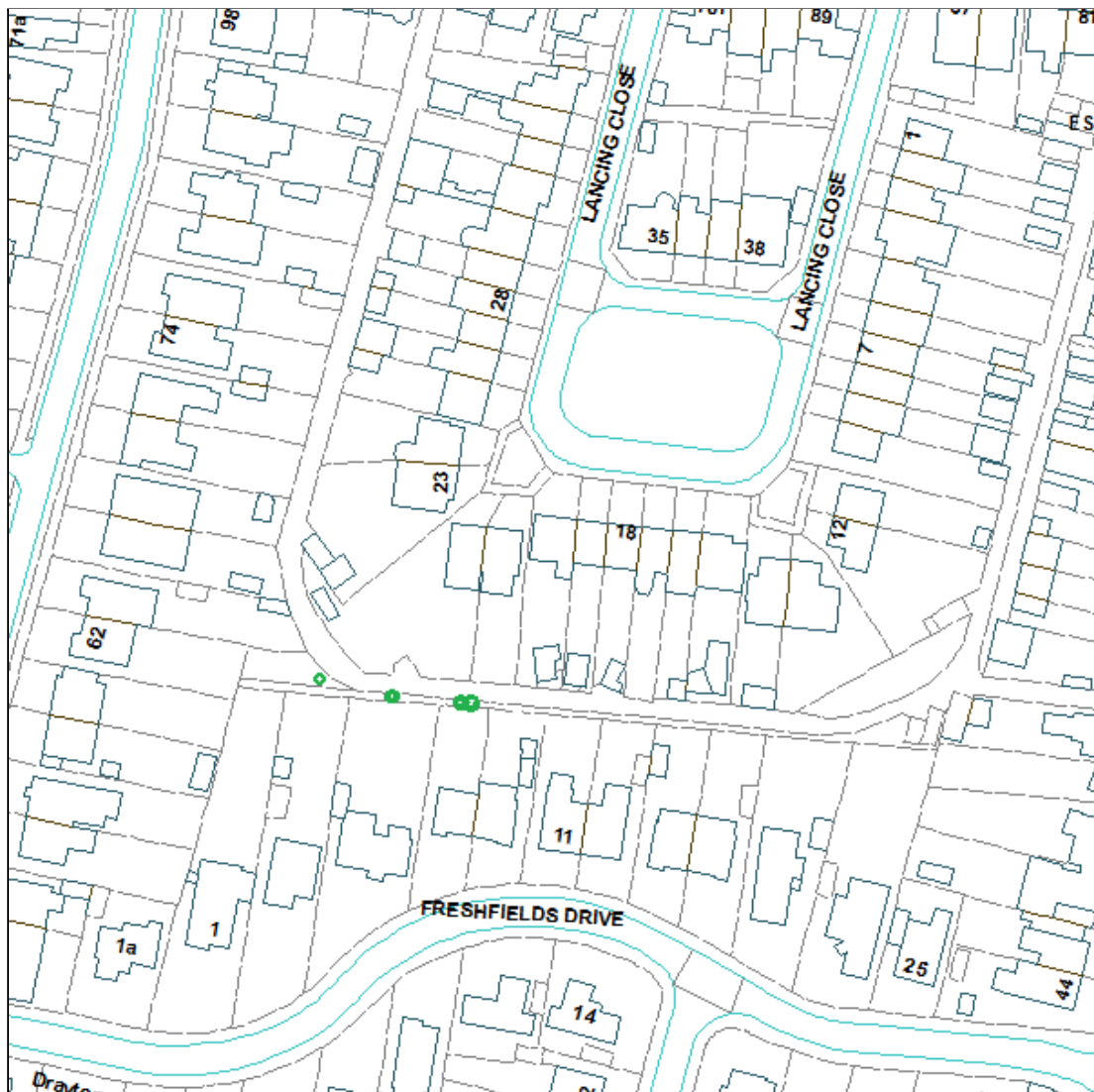
3

Application Number: AWDM/0028/22 **Recommendation – APPROVE**

Site: Beach And Foreshore, Beach Green, Brighton Road, Lancing

Proposal: Installation of 8 Beach Huts on Beach Green to the south/east of the bandstand

Application Number:	AWDM/0123/22	Recommendation - APPROVE
Site:	20 Lancing Close, Lancing, West Sussex BN15 9NJ	
Proposal:	Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to pollard at 14 to 16 metres to above previous points Poplar trees T3, T4, T5 and T6.	
Applicant:	Mrs Ruth Nicol	Ward: Manor
Agent:	Mr Stephen Duanice South Coast Tree Care Ltd	
Case Officer:	Jeremy Sergeant	



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Proposal, Site and Surroundings

The application refers to four large tall Poplar trees growing in the rear access way between Lancing Close and Freshfields Drive. The trees are a prominent part of the street scene and make a contribution to the character and visual amenities of the area.

Consent is sought to pollard at 16 metres to above previous points Poplar trees T3, T4, T5 and T6, amended to 2 metres higher than application AWDM/0478/21 which the Planning Committee deferred.

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

Relevant Planning History

2001: Adur Tree Preservation order Number 13.53/1/01/L of 2001 made on 30/01/2001.

2011: Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to Reduce 3 limbs of 2 poplar trees (subject to TPO 13.53/01/01/L)

2011: Reduce limb of Poplar tree at rear of 21 and 22 Lancing Close back to boundary fence line (subject to TPO 13.53/1/01/L)

2021: Application for consent under Adur Tree Preservation Order No. 13.53/1/01 (L) of 2001 to pollard at 14 metres to previous points Poplar trees T3, T4, T5 and T6. Deferred.

Consultations

None.

Representations

3 representations received from nearby neighbours in objection. The objections are similar to those previously submitted, claiming the works would be damaging to birds and wildlife, with much emphasis on nesting season. It is also claimed that reducing the height of the trees would affect the amenity of the area. Other remarks are concerning the location of the trees in regards to the application address, the effect of the works on "Climate Change" and the need for the trees to be assessed.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

National Planning Policy Framework (2021)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

At its meeting on the 5th July the Planning Committee deferred a proposal for pollarding of these trees as there was concern that a reduction to 14 metres would be too severe given the amenity value these trees have in the streetscene. Officers were requested to negotiate a compromise solution (AWDM/0478/21). This revised application seeks to address Members and neighbours concerns.

The trees are part of a row of large tall Poplar trees that run from east to west along the rear access way to properties in Lancing Close, adjacent to the boundaries with properties in Freshfields Drive, with tree T6 being inline but in the rear garden of 62 Elms Drive. The trees are prominent to the area, and can be seen from many views. The trees are:

Poplar tree T3

The Poplar tree T3 is to the east of the four Poplars, opposite the southwest corner of the rear garden of 21 Lancing Close. The tree has a large diameter single stem to 6 metres where it then divides into two. The north stem has been reduced at 14 metres, with the south stem persisting to 12, where it then begins to divide. The main crown is dense and wide spread with some slightly over extended laterals, and a heavy insurgence of Ivy that is being managed.

Poplar tree T4

This tree is located within 2 to 3 metres of tree T3 on slightly raised ground to the south of the access way behind Lancing Close. The tree has a large diameter single stem that begins to arch over from 14 metres and mostly persists to the top of the crown. Side stems to the north have been reduced at 12 to 14 metres. The main crown is dense and wide spread partially intertwined with T3, and has the remains of thick ivy growth in the lower sections.

Poplar tree T5

The Poplar tree T5 is the furthest west of the trees within the access way, located to the rear of 22 Lancing Close. The tree has a large diameter single stem to 8 metres where it then begins to divide. The main stem is clear to 4 metres where several large secondary stems emerge. The northern side of the tree has been heavily pruned at 12 metres on its northern side. The main crown is dense and wide spread with some over extended laterals.

Poplar tree T6

This tree is inline with the other trees but fenced off to be included within the rear garden of 62 Elms Drive. The tree has a large diameter single stem to 3 metres, where it then divides into three large secondary stems that each mostly persist to the top. The main crown is dense and wide spread with some remains of thick Ivy.

The proposed works to all four trees are to initiate new pollards at 16 metres, where appropriate reduce to 2 metres above previous points and carry associated works, including reduction in radial spread.

The works are to contain the size and spread of the trees, allowing for more manageable re-growth at a suitable height. The works are proposed so as to prevent the trees from becoming “overgrown” by making excessive weight on the relatively slender stems and limbs. This is a recognised trait of Poplar trees, that if left to grow will often have large breaks, which in turn can cause tear back, where bark is lost and live wood exposed. The works would be conditioned to be carried out to British Standards for Tree Works and will result, in time, to the trees having a similar appearance to the Poplar tree T1 which is to the eastern end of the group close to 13 Lancing Close.

It is considered that the works will have a material impact in relation to the overall size, spread and crown form of the trees and a significant amount of change will take place. However the works are conditioned to be carried out to the relevant British Standards, and an Advisory Note is issued with all consented tree works ensuring that the relevant wildlife requirements are adhered to. The works are, however, considered necessary to preserve the trees by reducing the possibility of damaging failure due to tall and wide spread over laden stems and limbs. In the long term the works will not have adversely affected their appearance, amenity value, or contribution to the character of the area.

The alternative is not to carry out any works, and allow the trees to continue growing as they are but this will risk future failure of the trees. Given that the works are considered acceptable in amenity terms and will contribute to the longevity of the trees, it is considered that the application is acceptable.

Recommendation

Grant permission subject to the following conditions:-

1. Approved Plans.
2. The proposed works, hereby permitted, shall be restricted to those specified in the application only unless otherwise agreed in writing with the Local Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

Reason: In the interest of visual amenity.



Poplar trees T3,4,5 & 6 - from Freshfields Drive



Poplar trees T3,4,5 & 6 - from Southeast of Freshfields Drive



Previously pollarded Poplar tree T1 of Adur TPO No.13.53/1/01 (L) of 2001



Partially re-pollarded Poplar tree of Adur TPO No.13.53/1/01 (L) of 2001- works carried out in 2020



Poplar trees T3 & T4 - from East

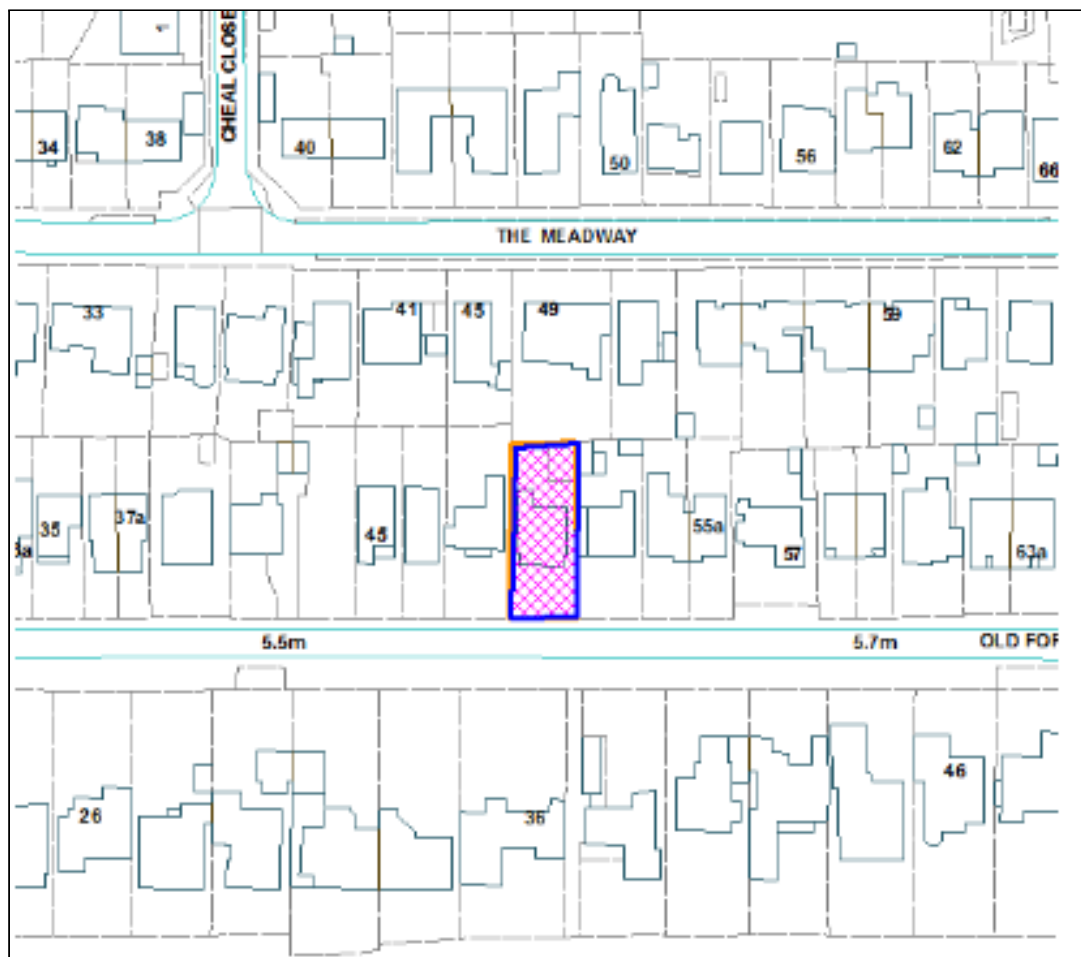




19.05.2021

Poplar trees T5 and T6 from East

Application Number:	AWDM/2007/21	Recommendation - APPROVE
Site:	51 Old Fort Road, Shoreham-By-Sea, West Sussex	
Proposal:	Demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses (including lower ground floor below existing ground level)	
Applicant:	Mrs Brenda Collins	Ward: Marine Adur
Agent:	James Breckell	
Case Officer:	Hannah Barker	



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Proposal, Site and Surroundings

This application was considered at the meeting of the Planning Committee on 7th February. Members resolved to defer the application to seek amended plans. Following the meeting, amended plans have been received to show the first floor of the proposed buildings set back by 1.53 metres and a deeper balcony has been created above the ground floor. All other details remain unchanged from that previously considered.

The application relates to a detached bungalow on the north side of Old Fort Road. A hipped roof modest property with rooms in the roof, a front and rear single storey flat roof extension, side dormers and there is an outbuilding in the rear garden. It is finished in render with a tiled roof. There is a driveway to the front and amenity space to the rear consistent with the adjacent properties. There are bungalows directly adjacent with chalet bungalow style properties and two and three storey buildings within the vicinity of the site.

The site is approximately 12.7 metres wide and 33.2 metres in depth. Consent is sought to demolish the existing bungalow and to erect a pair of semi detached properties at the site. Each property is to have three bedrooms and a lower ground floor; a basement is proposed on both the properties to provide additional accommodation.

The plans show the lower ground floor as a flexible room with utility and W.C. The ground floor has a kitchen, living room and W.C and there are three bedrooms on the first floor with an ensuite and bathroom.

The building although three storey appears two storey from the street with the basement below the front section of the building. The roof is a shallow pitch. A balcony is proposed to the front at first floor level. The rear has slightly lower eaves than the front with a cantilever design to the rear at first floor with set in from the side boundaries. The building footprint is 13.5 metres in depth and 10 metres wide. Car parking is provided for two cars for each property.

Light brown brickwork is proposed at ground level with weatherboarding at first floor in a mid to dark brown and light grey zinc roof is proposed with dark grey fenestration.

The dwellings are 6.9 metres overall, higher than its adjacent neighbours however lower than that originally submitted. The plans show a disabled access ramp with a gradient of 1:15. In a covering letter submitted by the agent clarification is given as to the lower ground floor construction. A below ground tanking structure will be built, not pile foundations.

The agent's letter also refers to changes including the removal of the air source heat pump and replacement with a conventional boiler. An FRA is submitted and further supporting evidence is submitted to illustrate how the design is broadly similar in height and footprint to other similar planning approvals along Old Fort Road.

Following a previous recommendation for refusal to members at the committee meeting, members deferred the decision to seek amended plans to reduce the front projection. Such plans have been received as detailed above.

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.

Consultations

West Sussex County Council: The Highway Authority comments: -

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 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Conditions

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 04A.

Reason: In the interests of road safety.

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. 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 the approved plan.

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 the approved plan.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Informatives

Vehicle Crossover – Minor Highway Works

The applicant is advised that in addition to obtaining planning permission they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Lamp Column Relocation

The applicant is advised to contact the operator of the street lighting pole to organise the moving/relocation works.

Adur & Worthing Councils: The **Environmental Health** officer - Private Sector Housing states -

No objections in principle but the proposed layout shows that the first floor bedrooms are only accessed through a hallway that is open to both the lounge and the kitchen rendering them inner rooms for the purposes of fire safety. The PSH team does not accept fire escape windows at first floor or above under the Housing Act 2004.

The risk can be mitigated by installing doors between both the lounge and the kitchen and the hallway.

Public Health: - Recommend that the Construction Management Plan condition and Demolition Notice Informative be added to any permission granted.

The **Engineer** advises on the original submission: -

Flood risk- The application is within flood zone 3, the site is also not shown as being at risk from surface water flooding. A flood risk assessment has been submitted which proposes raising ground floor levels. Sleeping accommodation must not be provided below the predicted flood level.

Surface water - the FRA indicates that it is proposed to route surface water to the sea. It is unclear how this will be achieved. There are no public surface water sewers nearby, surface water must not discharge to the foul sewer. Infiltration must be fully investigated. The applicant should provide a drainage constraints plan which identifies how much space is available for infiltration within the proposed site layout. This should account for the fact that infiltration must be located 5m away from buildings and highways and 2.5m from property boundaries. If this information is not provided prior to determination it is likely that the layout will unduly bias the design of surface water drainage and could result in flooding being increased elsewhere.

We therefore wish to raise a holding objection.

Following the amended plans: -

Surface water - the FRA indicates that it is proposed to route surface water to the sea via a shingle bed. The layouts provided indicate that surface water drainage is to drain 2.5m away from buildings. This is contrary to requirements.

Once again, we ask that the applicant provide a drainage constraints plan which identifies how much space is available for infiltration within the proposed site layout. This should account for the fact that infiltration must be located 5m away from buildings and highways and 2.5m from property boundaries. If this information is not provided prior to determination it is likely that the layout will unduly bias the design of surface water drainage and could result in flooding being increased elsewhere.

Our holding objection is maintained.

Following additional discussion and submission of a drainage plan: -

To get infiltration to work the soakaway will have to straddle the two gardens and be under the fence. This is not ideal, and we try to steer drainage away from this type of solution due to the potential for future damage, and complications regarding responsibility for ongoing maintenance. Fencing and drainage design would need to be reviewed in tandem at detailed design to ensure the fencing does not damage the drainage.

Based upon the plan submitted I will hesitantly remove my holding objection.

If you are minded to approve this application we would request the following condition is applied to secure drainage details.

“Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.”

and the accompanying informative:

“Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the

structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage

<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

Environment Agency: - Original submission

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the Planning Practice Guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA states that the 'flexible room' on the lower ground floor may be used as sleeping accommodation.

Overcoming our objection

To overcome our objection, the Applicant should submit a revised FRA and amended plans which addresses the point highlighted above. If this cannot be achieved, we are likely to maintain our objection.

We would recommend that sleeping accommodation is placed at least 300mm above the modelled flood levels (0.5% plus climate change allowances 2125), reducing the risk to occupants for the lifetime of the development.

Please re-consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Following the amended plans: -

Environment Agency position

We are satisfied that our previous objection to the proposal (as per our letter dated 25 November 2021, our ref: HA/2021/123725/01) can be removed, 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: 11726, Second issue dated 8 December 2021, by GTA Civils & Transport Ltd) and the following mitigation measures it details:

- Finished floor levels for the ground floor shall be set no lower than 6.15 metres above Ordnance Datum (AOD) (Section 3.2 of the Flood Risk Assessment).
- The room on the lower ground floor (labelled as a 'flexible room' on drawing no 058 Rev A at Appendix C of the Flood Risk Assessment) shall not be used for habitable uses and/or for sleeping accommodation.

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

The measures 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.

Note: The non-habitable use of the flexible room is confirmed in the submitted letter dated 7 December 2021 from James Breckell Architects.

Please notify us immediately if you are unable to apply our suggested condition to allow further consideration and advice.

Southern Water Services: Standard advice with conditions and informatives recommended.

Representations

Original submission

3 representations have been received objecting to the proposed development from the owner/occupiers of nos. 45 and 49 The Meadway and 49 Old Fort Road making the following comments.

- Properties must be in keeping with those adjacent
- Noise, asbestos
- Disturbance as working from home
- Dominant large dwelling.
- Flood risk

- Subsidence
- Huge, overbearing three storey 4 bedroom houses
- Inappropriate for the locality
- Overly high properties
- Non habitable rooms will be used as bedrooms
- Low level projections used as footprint for new buildings
- overdevelopment with space standards exceeded
- Basement development with multiple floors
- Concerns for huge excavation for a basement
- Disruption through digging/excavation
- Sets a precedent for overdevelopment
- In breach of covenant
- Taller and deeper than the existing property
- Dominate living space to the rear
- Overbearing, loss of privacy
- Impact upon garden, wildlife and trees
- Noise from gardens
- Substandard garden size/depth
- 28 metres should be between buildings.
- Noise from heat pumps
- Remove P.D
- Contrary to ALP Policy
- Diversity of architecture on Shoreham Beach lost
- Other refused developments and appeals to compare
- Not compliant with Document M
- Overpopulating the site
- Gravel on the highway and blocking drains
- Impact of construction
- Need to protect trees
- Inconsistent details in submission
- Existing property not run down and uninhabitable as portrayed
- Conflict of interest Cllr Collins
- Limited plots size
- Neighbouring property railway carriage house over 100 years old should be protected.
- Drainage system not fit for works

3 representations of support have been made from the owner/occupiers of nos. 53, 25a, 44 and 55 Old Fort Road.

Previous Amended Plans

3 representations have been received from the owner/occupiers of nos. 49 Old Fort Road, 49 and 45 The Meadway objecting making the following comments

- Many inconsistencies with the architect's statement
- The height has been reduced by digging into the shingle beach and few other issues have been addressed.
- Other two for 1 applications have been rejected/reduced
- Reducing design standards and pressure to develop the beach

- Overbearing and inappropriate scheme
- Use of existing footprint to justify scale.
- High building to compensate for small site.
- Basement room is habitable
- High boxy development overbearing height and massing
- Object to two storey portion to rear.
- Loss of privacy, overlooking and noise.
- Footprint and scale forward of the building line
- Garden space and distances does not meet standards.
- Loss of amenity value
- Ramp shown and referred to incorrectly.
- Accessibility poor.
- Needs to be Part M compliant.
- Concerned regarding tanking
- Taking a property and demolishing it is not sustainable.
- Excavation of the site is of concern
- Loss of on street parking spaces
- increased kerb width and moving of lamppost
- Gravel from parking area spilling onto the highway
- Overdevelopment
- Comparison with other development on wider plots
- Out of keeping
- Other refusals for similar size development on Old Fort Road
- Site too narrow
- Overlooking

1 representation has been submitted from the owner/occupier of no 27A Old Fort Road making the following comments in support and recommending conditions, highlighting concerns: -

- The house is designed by a local architect who is personally invested in improving the area for residents. It is likely to enhance the street scene.
- The design complies with BRE guidance for sunlight affecting neighbours in The Meadway
- The pitched roof complements the bungalow town character of the area.
- car parking spaces on site
- EV charging points should be provided.
- Cycle storage
- Area for refuse and recycling.
- The property is more modest than properties on the opposite side of Old Fort Road.
- Energy efficiency will be improved.
- Drainage issues need to be addressed.
- Acoustic matting required for heat pumps
- Asbestos survey must be conducted
- Must meet WSCC Highways conditions.
- The design of the building must be sympathetic and proportionate.
- Excavation - noise and dust process needs to be managed to protect foundations.
- Efforts should be made to preserve the trees to the rear of the property.

Any representations received in respect of the latest plans will be reported verbally at the meeting.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15, 21, 37
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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 with two semi detached properties. This can be supported in principle. The relevant issues here are the effects on the amenities of neighbouring residential occupiers, design and the effect on the character and appearance of the area. Highway matters and Flood Risk.

Visual amenity and Street Scene

It is acknowledged that Old Fort Road and Shoreham Beach in general comprises an eclectic mix of property style, use of materials and design. The proposed design and use of materials can be supported in this case. The agent's Design and Access Statement states *"It is important to successful architecture on the beach to both be complimentary in form, shape and height and delightfully individual in use of materials, colour and texture."* The design and individual style of development proposed is not considered unacceptable and there are no grounds for refusal based solely on the design grounds as the street comprises so much variation. The key consideration here is how the development fits in scale, height and mass in relation to adjacent dwellings and surrounding existing development.

The previous scheme was considered to give rise to an overly large development which projected forward of the buildings on either side, adding bulk and scale which is not consistent with the character and appearance of the street scene. The existing single storey front extension shown as a low level does not set a precedent for the enlarged bulk in this position to the property frontage. The proposed building at this forward position extended up to first floor level with a front Juliette balcony. Similarly, the increased development to the rear at first floor level is beyond the rear elevation of the existing bungalow. Therefore giving rise to a deep building, the amended plans show the front projection reduced in depth, limiting the depth of the building overall at first floor level and removing some bulk and scale. On balance, as amended the plans show a building more in scale with that within the surrounding locality and Shoreham Beach as a whole. There is adequate separation to the side boundaries at slightly over 1 metre.

It is acknowledged that there are many other examples of redevelopment with two properties and this in principle can be supported. The applicant's agent refers to many examples of two for one development on the beach and this is commonplace. Many of the sites, however, are wider than in this case. There are also other examples on the Beach where there have been refusals for two for one redevelopment schemes and where only a single dwelling has been permitted. These include 17 Old Fort Road AWDM/0284/13 Appeal dismissed and permission for a single dwelling and 39 Old Fort Road AWDM/0864/13 Appeal dismissed and permission for a single dwelling.

Residential Amenity - Proposed dwellings

The space standard requirements for the internal space at new dwellings are met and exceeded. The Design and Access Statement states that the garden areas are 66 sqm and 70 sqm this is under the required 85sqm required for a three bedroom semi detached property. It is argued that precedent has been set with other development granted consent which are under the required space. Also the proximity to the beach and public amenity space nearby for future occupiers. It is considered that on balance this deficit does not justify a reason for refusal here; however subject to the reduction in scale of the development there is scope to reduce the footprint of the building and therefore increase the garden area provision for the dwellings to meet the required minimum standards.

The third storey, basement level development would not be of concern here subject to construction work being carried out in accordance with building regulations to avoid any subsidence and impact upon adjacent development. The additional floor space created does not give rise to over intensification of the site use and this 'flexible' space will provide additional living accommodation for the occupiers. This cannot be used as a bedroom to meet flood risk requirements as set out below in the conditions recommended by the Environment Agency.

Residential amenity - effect on existing dwellings

The main properties to be affected by the proposed development are those either side of the site no. 49 and 53 Old Fort Road, those on the south side of Old Fort

Road opposite and those to the rear in The Meadway. Some objections have been raised and some support has been given for the proposal, details are set out above. Further comments have been made in relation to the further amended plans.

The proposed development would be an increase in scale and bulk from that which currently exists. However this does not justify a reason for refusal. Increased scale, intensity and footprint within the beach location is commonplace and much new development has occurred which is significantly increased from that which previously existed. The scale of development must be such that it causes harm. In terms of residential amenity the scale of development as amended reduces bulk to the property frontage. As before any side windows will be obscure glazed and there are limited side windows on the adjacent bungalow to be impacted. The properties on the opposite side of the road will not be significantly impacted either despite the increase in height and scale here. There is ample distance and the main aspect for these neighbouring properties is south toward the beach. The Juliette balcony is now shown as a balcony to the front at first floor level. This will overlook properties either side and opposite. However as this is public space to property frontages and overlooking the highway there is no concern in relation to loss of privacy in this case.

To the north bungalows in The Meadway are in excess of 22 metres back to back from the development which complies with the Council's Development Management Standard which requires this as a minimum distance. There are first floor rear bedroom windows which will overlook properties to the rear. Despite the guidance on overlooking being met the building height and scale will create an unneighbourly impact. The garden depth is just under 11 metres, the minimum requirement in line with Development Management Standards.

As stated above the garden areas fall below the required standard. There could be scope to set the buildings further away from the rear boundary increasing the garden depth to a minimum of 11 metres and providing increased amenity space whilst improving the relationship between the site and the neighbouring bungalow to the rear. However, this would bring the buildings further forward of the building line again and it is not considered that this rear garden depth is essential given that the 22 metre requirement has been met. In amenity terms the slightly smaller garden is more than offset by the site's location adjacent to the beach.

It should be noted that the buildings are described in the description of development as three storey, although technically the case due to the basement, they are two storey above ground and the Development Management Standard for two storeys is therefore applied here at 22 metres.

Concerns have been raised with regards to the trees to the rear of the site. However, subject to relevant conditions relating to protection during construction it is not considered that the impact upon these trees would warrant a refusal in this case.

Accessibility and parking

As set out above there are no objections from the Highway Authority subject to the conditions and informatives recommended. Two parking spaces per dwelling is sufficient and space on site can accommodate cycle parking and EV charging is to

be provided.

A representation has been made which queries the proposed disabled access ramp to the front of the dwellings. The applicant's agent has provided the following information to confirm the details of this and these are copied below: -

"The nearest level at the lowest part of the ramp is 5.71. And the internal floor level is 6.59. This gives an overall rise of 880mm. The length of the 1st ramp is 7.2m long. The length of the 2nd ramp is 6.4m long. Between the ramps is a half landing which is level.

The distance travelled on the ramps is 13.6m (13600mm)

13600/ 880 = 15.45.

To the nearest decimal place is 15. i.e. the gradient is a 1 in 15.

It is also interesting to note that a road and pavement (accessible to anyone) can have a gradient of 1 in 8. But a disabled ramp should have a gradient of 1 in 15 (almost half as shallow incline). In practice, ramps are usually acceptable by building control at 1 in 12. But we have designed a 1 in 15."

Flood risk

Following submission of the FRA, the Environment Agency has no objection to the development subject to the conditions as set out above. The Council's engineer has advised that they continue to object as set out above. They are requesting a drainage constraints plan to ensure flooding is not increased as a result of the development. They also refer to the FRA indicating that it is proposed to route surface water to the sea via a shingle bed which is contrary to requirements. The applicant's agent has queried these comments and requested more information with regards to this objection. A response has been received from engineers which is set out above and a condition and informative is recommended.

Planning and Climate Change

Climate change is undoubtedly the defining issue of our time. Adur & Worthing Councils' declared a Climate Emergency in July 2019 and have committed to work towards becoming carbon neutral by 2030. The Councils have also signed the UK100 Cities Pledge to achieve 100% clean energy by 2050. In November 2018, the Councils' adopted an ambitious programme of action on sustainability under SustainableAW.

A Planning and Climate Change Checklist has been prepared for Adur Council. The Adur checklist sets out the policy requirements in relation to climate change in one place to clearly indicate for which developments and in which locations they apply. It is therefore recommended that developers refer to this when preparing applications. The checklist also highlights and encourages developments to meet additional elements. The impact of setting any future requirements, including on viability, will be assessed as part of the Adur Local Plan Review.

The applicant's agent has provided a section in their Design and Access Statement entitled 'Sustainability'. Details are given as to how the development meets with the requirements of the checklist by providing a sustainable building. "The buildings will be super insulated for energy efficiency." A wood burning stove is to be located in the living rooms. Kitchen appliances are to be level 'A' for energy efficiency. In the construction phase of this project it is the intention to outperform the requirements of the building regulations for energy efficiency so that the running costs of the houses are as low as possible. Also proposed is EV charging.

The amendments received following the previous deferral of the application are now considered to be acceptable and accordingly it is now recommended that the application be granted permission.

Recommendation

APPROVE

Subject to : -

1. Approved Plans.
2. Standard 3 year time limit.
3. Materials as set out in the Design and Access Statement and Approved Plans.
4. Removal of P.D including outbuildings.
5. Hours of work.
6. No additional openings, obscure glazing to east and west elevations and privacy screens to be installed prior to occupation.
7. The dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. The dwelling shall not be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority
8. The sustainability and energy efficiency measures referred to in the Design and Access Statement shall be installed before the dwelling hereby approved is occupied. (excluding the Heat Source Pump which has been removed from the approved drawings.).
9. Tree Protection.

10. Access (Access to be provided prior to first occupation)
No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 04A.

Reason: In the interests of road safety.

11. Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. The parking area shall be edged with raised blocks to abut the pavement to create a barrier to limit the amount of gravel overspill onto the public highway.

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

12. Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

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

13. Electric Vehicle Charging Spaces
No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

14. CMP.

15. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

16. The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 11726, Second issue dated 8 December 2021, by GTA Civils & Transport Ltd) and the following mitigation measures it details:
- Finished floor levels for the ground floor shall be set no lower than 6.15 metres above Ordnance Datum (AOD) (Section 3.2 of the Flood Risk Assessment).
 - The room on the lower ground floor (labelled as a 'flexible room' on drawing no 058 Rev A at Appendix C of the Flood Risk Assessment) shall not be used for habitable uses and/or for sleeping accommodation.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Note: The non-habitable use of the flexible room is confirmed in the submitted letter dated 7 December 2021 from James Breckell Architects.

Reasons: - To reduce the risk of flooding to the proposed development and future occupants in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

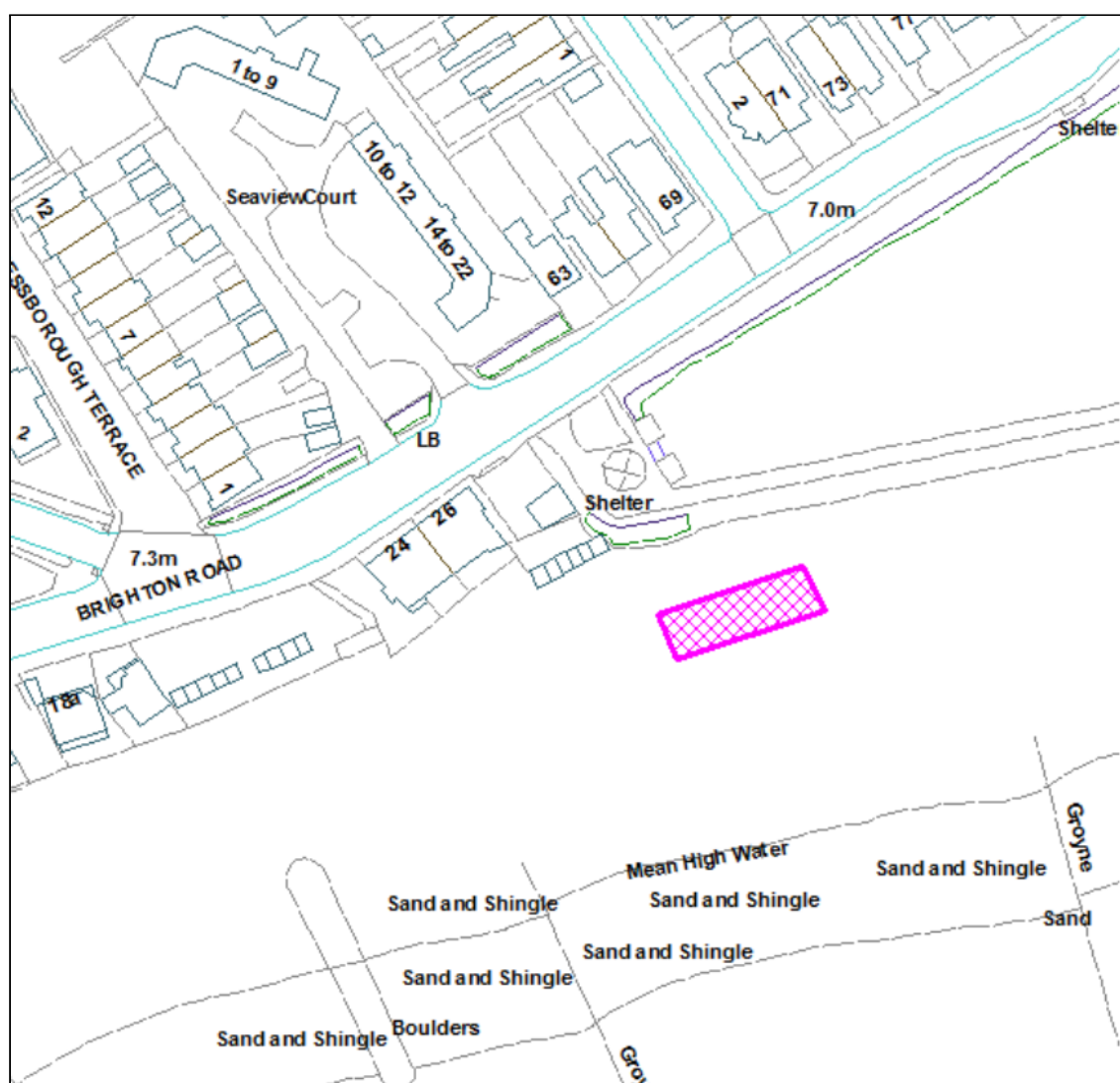
Informatives

1. Pulverised Fuel Ash
2. Proactive with amendments
3. Lamp Column Relocation. The applicant is advised to contact the operator of the street lighting pole to organise the moving/relocation works.
4. Vehicular cross over
5. Demolition notice
6. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage
<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets

out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

7. SW standard informative
8. SUDS
9. Infiltration rates

Application Number:	AWDM/0028/22	Recommendation - APPROVE
Site:	Beach And Foreshore, Beach Green, Brighton Road Lancing	
Proposal:	Installation of 8 Beach Huts on Beach Green to the south/east of the bandstand	
Applicant:	Mr Oliver Last, Lancing Parish Council	Ward: Widewater
Agent:	N/A	
Case Officer:	Gary Peck	



Not to Scale

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This application is presented to the Committee for determination as Lancing Parish Council is the applicant.

Proposal, Site and Surroundings

This application, which has been amended during its consideration, now seeks permission for the erection of 8 beach huts, 2.6m x 2.4m with a pitched roof, to the south/east of the bandstand and just to the south east of an existing group of huts at the western edge of Beach Green, Lancing.

The application as originally submitted proposed a further 12 huts in a separate block further to the east, close to The Perch, but these have been withdrawn from the application following discussion between your Officers and the applicant.

The application site is south of the cycleway/footpath (and therefore outside of, but adjacent to the built-up area boundary) and close to Beach Lodge to the west which is the nearest neighbouring residential property. Apart from the aforementioned group of existing huts behind this property, there are no other beach huts to the western side of the Green but there are two substantial runs of beach huts to the eastern side of the Green, about 300 metres from the application site at its nearest point.

Relevant Planning History

None relevant to the determination of the application

Consultations

West Sussex County Council Highways:

Whilst the principle of the beach huts is not opposed, more information is requested regarding how the beach huts will be constructed, and how long each phase will take. The applicant should provide details of how the site will be accessed and the type; number and frequency of vehicle used to build the beach huts. If there will be a need for vehicles to enter the beach, how they will reach the site, and what traffic management measures might be required. It is noted there is an existing shared use cycle path along the promenade, which is in use regularly, and these members of the public need to be considered. We would ask that this information is provided to us as soon as possible. A Construction Management Plan condition below would cover most of the details required.

Environmental Health:

No comments

Parks and Foreshore Manager:

Any comments received will be reported at the meeting.

Technical Services:

Thank you for the opportunity to comment upon this application. This section of the coastal defences are managed by the Environment Agency who will need to be consulted concerning this application.

It should also be noted that this area of beach has vegetated shingle (a protected species). This plant life should not be damaged by the proposal.

Environment Agency:

Any comments received will be reported verbally at the meeting

Representations

Original proposal (for 20 beach huts):

12 letters of objection were received on the following grounds:

- loss of uninterrupted views of the sea
- beach huts are little used
- increased noise and disturbance
- car park is often full
- danger to cycle path users
- precedent for further such applications
- demand for beach huts will reduce after the pandemic and should be reassessed

Amended proposal (for 8 beach huts):

2 further letters of objection on the same grounds as above and a further additional point that the Council A&W Councils would benefit more by maintaining the utility of natural open beaches and sea views.

1 letter of comment stating:

The reduction in number of huts applied for goes a long way towards meeting my previously recorded objection. It would be nice if they could be rented by local families, and not sold to a few people who have the financial means to buy them

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Policy 9 (Lancing), Policy 13 (Countryside and Coast), Policy 15 (Quality of the Built Environment and Public Realm), Policy 26 (The Visitor Economy), Policy 32 (Open Space, Recreation and Leisure)

Lancing Vision 2012

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that 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

The main issues in the determination of the application are the principle of development and its effect upon the character and appearance of the surrounding area, the amenities of neighbouring properties and highway safety.

It has been recognised previously across Adur & Worthing that there is a demand for further beach huts and given that they are a common feature of seaside areas which bring visitors to the area or are an amenity used by local residents, it is not considered that there is an objection in principle to their provision. Nonetheless, there is similarly a requirement to ensure that the attractive visual character of the seafront is not compromised.

At present, the substantial runs of beach huts to the eastern side of Lancing Beach Green block views of the beach and the gap between the huts but more particularly the current openness to the west of The Perch provide views of the beach which are of far more benefit to the wider community. Unlike other seaside areas, the beach huts are necessarily sited between the footpath and the beach and accordingly there is an impact upon the character of the area.

Having regard to the above, therefore the original proposal to provide 20 beach huts across 2 sites was not considered acceptable by your Officers. The original application proposed a separate block of 12 beach huts between the Perch and the bandstand and your Officers had formed the initial view that the provision of the huts would adversely affect the character of the area which at present is an open view of the sea adjacent to the Green itself. Prior to formal feedback from your Officers, the applicant approached the Council to discuss withdrawing this part of the application and hence the proposal is now for the block further west, closer to the bandstand, of 8 huts.

Given the competing balance of objectives identified above, it is considered that the provision of beach huts in this location is far more acceptable. The cycleway/footpath turns away from the seafront by the bandstand and the Green is at its narrowest point at its western end hence the impact of the road and neighbouring residential properties provides a rather more enclosed environment than in the case further to

the east. Additionally, there is already a group of huts just to the west, which suggests that along with the existing built form of the bandstand that the feeling of openness would not be compromised to the extent that the previously block to the east would have done so.

The issue of precedent has been raised in representations indicating if that proposal is approved, further approvals will inevitably follow. However, as each application must be considered on its merits and as is shown by the withdrawal of the other group of 12 huts, if there are sound planning reasons to resist a particular site there is no reason to grant permission. This application is considered acceptable because of the specific location of the site which would not apply to proposals in more open locations elsewhere.

Concerns have been raised regarding parking provision, although a reason for objections also suggests that beach huts are not used to a sufficient extent to justify their construction. Certainly, the use of a beach hut is limited and to that extent, given the existence of a large car park serving the Green, as well as proximity to public transport links, it is not considered that a refusal on car parking grounds could be justified given that the requirement in the National Planning Policy Framework to only refuse applications on such grounds where the impact is severe. The Green is an active location and it is not considered that the transitory use of a beach hut would be sufficient to justify a refusal of the application on the grounds of the impact upon residential amenity.

The Parks and Foreshore Manager has been requested to comment on the loss of vegetated shingle in this location and Members will be updated at the meeting. Any impact on the loss of vegetated shingle close to the construction site can be addressed by the Construction Management Plan (i.e. ensuring works confined to as small an area as possible).

Accordingly, while the proposal as originally submitted was considered to be excessive in scale, the revised, more limited, application in a more suitable location is considered to be acceptable on its own merits and therefore it is recommended that permission be granted.

Recommendation

GRANT permission subject to the following conditions:-

1. Approved Plans.
2. Full Permission.
3. 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,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details demonstrating that the protected vegetated shingle will not be disturbed during the construction works
- details of public engagement both prior to and during construction works

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

4. Approval of Materials

7 March 2022

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Jeremy Sergeant
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Hannah Barker
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Gary Peck
Planning Services Manager
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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.

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ADUR DISTRICT
C O U N C I L

Adur Planning Committee

7th March 2022

Agenda Item no. 8

Ward: All

**(Adur Local Plan area - outside of South
Downs National Park).**

First Homes - Publication of Interim Position Statement for Adur Local Plan area.

Report by the Director of Economy

1.0 Summary

- 1.1 This report sets out the details of a new mandatory affordable housing tenure called First Homes. The report sets out Adur Council's proposed interim policy position around various aspects of First Homes, and the implications that the inclusion of First Homes on qualifying developments may have on the delivery of other affordable housing tenures. The report recommends the publication of a First Homes Interim Position Statement (attached as Appendix 1) to clarify Adur District Council's position prior to the review and adoption of the Adur Local Plan.

2.0 Background

- 2.1 On 24th May 2021, the Government published a Written Ministerial Statement (WMS) setting out the Government's plans for the delivery of First Homes, which states that from 28th June 2021 First Homes are the government's preferred discounted market tenure and should be considered to meet the definition of 'affordable housing' for planning purposes. Although the updated NPPF published in 2021 does not refer to this new tenure the National Planning Policy Guidance (NPPG) has been updated to refer to this new tenure.
- 2.2 First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e. S106 agreements) which will also secure the First Homes discount in perpetuity. Local authorities will be involved in delivering First Homes through the planning process, but also in the sales and resales aspects.

2.3 The WMS and NPPG set out the main changes to planning policy and these changes came into effect from 28 June 2021.

2.4 Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

2.5 First Homes must be prioritised for first-time buyers (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers) and not be sold to any household with a combined annual income in excess of £80,000.

2.6 There is also the ability for local authorities to set local criteria. For homes:

- Local authorities can choose to set the discount at 40% or 50% if they can demonstrate a need for this.
- Local authorities can choose to set lower price caps if they can demonstrate a need for this. These caps only apply on the initial sale. These caps should be determined through the plan-making process.

2.7 With regards to prospective purchasers:

- Local authorities can choose to set lower household income caps if this can be justified with reference to local average first-time buyer incomes.
- Local connection and/or key worker¹ criteria can be applied.
- Members of the Armed Forces, veterans of up to 5 years and their spouses/civil partners in certain circumstances are exempt from any local connection or key worker criteria.

Some local criteria fall away if the property does not sell:

¹ To be defined locally.

- local connections / key workers criteria
- household income caps
- If there is no sale after three months of marketing, any such local criteria fall away and the default national criteria applies.
- If a First Home cannot be sold to a qualifying purchaser within 6 months of marketing, the property can be sold as an open market home and the seller pays the Council a cash contribution in lieu of the 30% discount. (This requirement will be secured in the s106).

2.8 The guidance also allows for First Homes exception sites, which are sites outside of Local or neighbourhood plan allocations that deliver First Homes consistent with the Written Statement.

2.9 However it should be noted that local price caps etc should be set through the plan-making process; as such these will be considered through the review of the Adur Local Plan. This will allow a comprehensive viability assessment to be undertaken in tandem with any necessary updates to the Affordable housing policy, and for consultation to take place on any discretionary elements proposed.

3.0 Setting Developer Contributions for First Homes

3.1 A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through s106 planning obligations. Where cash contributions for affordable housing are secured instead of on-site units, a minimum of 25% of these contributions should be used to secure First Homes.

3.2 Once a minimum of 25% of First Homes has been accounted for, the WMS and NPPG require that social rent should then be the next priority, and that the remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy.(Planning Practice Guidance s015 Reference ID: 70-015-20210524).

3.3 Policy 21 of the Adur Local Plan 2017 plus the Adur Interim Affordable Housing Position Statement 2020². This seeks 30% affordable housing on development sites of 10 dwellings or more. The policy position states that the preferred

² <https://www.adur-worthing.gov.uk/media/Media.156780.smxx.pdf>

tenure mix is 75% social or affordable rent and 25% intermediate housing, to meet identified local needs.

3.4 Therefore using the approach set out in the NPPG and WMS the 30% affordable housing quota (30% of total number of dwellings (gross)) would consist of:

- 25% First Homes
- Minimum of 56% social/affordable rent (The Adur Local Plan does not distinguish between social and affordable rented tenures).
- 19% Shared ownership

Example: On a site of 50 dwellings:

The affordable housing quota is for 15 dwellings in total.

Of these 15, the first 25% must be First Homes - 4

8 social/affordable rented

3 shared ownership

(figures rounded)

- 3.5 The proposed Interim Position Statement at Appendix 1 gives an explanation of First Homes, and explains how the Council will apply the policy requirements.
- 3.6 Given that the greatest housing need within the District is for social rent, your Officers have been trying to secure social rent or at least rents capped at Local Housing Allowance (LHA) to ensure that new developments provide rented units that are affordable to local residents. The s106 Planning Obligation signed at New Monks Farm seeks affordable rent at a LHA level and this is also being negotiated for the affordable rent at West Sompting.
- 3.7 One of the consequences of First Homes is that the level of rented accommodation that can be secured is reduced unless First Homes replaces shared ownership as a tenure. This might be something that can be assessed as part of the Local Plan review but at the present time (and to comply with central government advice) it is apparent that the interim position can only seek to mirror the current Local Plan tenure split after the allowance for First Homes is applied.

4.0 Role of Local Authorities in Delivering First Homes

- 4.1 As well as delivering First Homes through the planning system, local authorities will need to assess whether applicants are eligible to purchase First Homes. Initial pilot projects have indicated that a range of council services will need to be involved - this is likely to involve Housing, Planning, Land Charges, and Legal.
- 4.2 The MHCLG are intending to provide local authorities with a range of documentation to assist the process, including:
- S106 model clauses (published in January 2022)
 - Reservation application template
 - Authority to Proceed template
 - Authority to Exchange template
 - Instructions to conveyancers, including legal undertaking to the local authority
 - Customer guide

5.0 Implications for Local Plans and Decision-Making

- 5.1 From 28th June 2022 local planning authorities will need to take account of the new First Homes requirements, and will need to review the mix for the remainder of affordable housing sought. The First Homes policy does not apply to applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022; or where local plans are adopted under transitional arrangements. (This is not the case for Adur). The NPPG also explains that the First Homes policy does not apply to applications made under section 73 of the Town and Country Planning Act 1990, to amend or vary an existing planning permission.

6.0 Proposals

- 6.1 It is proposed that an Interim Position Statement (IPS - attached as Appendix 1) is published to set out the authority's approach prior to an updated planning policy being in place. The update of the Local Plan (which has commenced) will address all relevant First Home matters. This will allow local criteria (as referred to in section 2 above, including local connection criteria) to be considered through the plan-making process and accompanying viability work, and ensure they are based on appropriate evidence (although the Local Plan update is unlikely to be in place before late 2023). This approach will also allow for consultation on local discretionary elements.

- 6.2 The publication of an IPS for First Homes will complement the adopted Adur Local Plan policy 21 and Interim Affordable Housing Policy Statement 2020 ensuring that there is specific and detailed guidance available to developers and landowners in order to inform negotiations, ensure that the provision of this new tenure meets the mandatory requirements, and facilitate the Council in meeting its statutory obligations with regard to the delivery of this new affordable housing tenure.

7.0 Implications for Adur

- 7.1 First Homes (at this point in time) are an 'unknown quantity' - it is not clear what the degree of interest from the public will be. In the absence of any information relating specifically to First Homes, it may be worth drawing comparisons with demand for shared ownership products in order to assess potential demand and therefore any benefit to Adur residents.
- 7.2 The Adur & Worthing Strategic Housing Market Assessment 2020 included an assessment of households in the area that may benefit from an affordable ownership product, using an assessment of the number of households in the 'gap' between buying and renting (that is, that can afford to rent without financial support, but which require support to access home ownership).
- 7.3 Based on assumptions and taking into account both existing households and newly forming ones, the study concluded that there was a need for approximately 74 affordable home ownership homes in Adur per annum over the period 2019-2036 (in addition to other forms of affordable tenure). The limited supply of shared ownership homes in the past would indicate some demand, at least in theory, for First Homes. However, Members will be aware that Registered Providers are delivering (or proposing) 100% affordable schemes at Kingston Wharf and Adur Civic Centre respectively, which will deliver approximately 200 intermediate/shared ownership apartments over the next 3-4 years.
- 7.4 The prioritisation of mandatory First Homes as part of the AH requirement means that this form of home ownership will be brought forward consistently on qualifying sites, to a greater degree than shared ownership dwellings are currently provided.
- 7.5 Delivery of First Homes could potentially benefit those in Adur requiring support to purchase their own home for the first time. However, it will inevitably reduce

the amount of other tenures that can be sought. Nevertheless it is still likely that shared ownership would be delivered by Registered Providers.

- 7.6 It may be the case that some households who have been living in affordable or social rented accommodation for some time may have experienced a change of circumstance, and may be in a position to purchase a First Home. Registered Providers may be best placed to survey/investigate any such opportunities. However, there is a danger that this could raise expectations; it is not yet known how many First Homes might be available, and if so, when. This may be something to consider in the future should First Homes be progressed and delivered in significant numbers.
- 7.7 The type of dwellings that developers may provide as First Homes may well be restricted. The maximum purchase price for a First Home on initial sale is £250,000 after discount. Given that the Land Registry House Price Index Oct 2021 indicates that the average price for terraced homes in Adur was £367,281, and for flats and maisonettes, £226,181, the type of development likely to be available for First Homes is likely to be limited.
- 7.8 Where there are demonstrable viability issues and the full 30% affordable housing requirement is not deliverable, there is also a risk that there may be an adverse impact on the amount of social/affordable rented accommodation being delivered. In this case, developers may want to prioritise First Homes or intermediate housing depending on the expected sales values of the proposed dwellings over and above any social rent units.
- 7.9 As stated previously the main implication for Adur is that the introduction of this new housing tenure is likely to restrict the number of social /affordable rented dwellings coming forward which reduces the ability to meet the greatest housing need within the District.

8.0 Legal

- 8.1 The requirements for First Homes are set out in Written Statements - Written Questions, Answers and Statements UK Parliament 24th May 2021 and National Planning Practice Guidance (NPPG).

9.0 Financial implications

- 9.1 First Homes should be delivered through s106 affordable housing contributions at no additional cost to the Council. However, there may be resource

implications arising in due course from the assessment of purchaser eligibility for the scheme which will fall to the Council.

Reviewed by: Sarah Gobey

Date: 24th February 2022

10. Recommendation

10.1 Members note the attached Interim Position Statement (IPS), and recommend to the Executive Member that the IPS should be adopted for Development Management purposes and published on the Council's web page for information.

Local Government Act 1972

Background Papers:

Written Statements - Written Questions, answers and statements UK Parliament
24th May 2021

<https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

First Homes - NPPG - <https://www.gov.uk/guidance/first-homes>

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Schedule of Other Matters

1.0 Council Priority

- 1.1 This relates to Platform 2, Thriving People and Communities - providing all types and tenures of housing, by delivering a form of housing which will allow people to purchase their first market home.

2.0 Specific Action Plans

- 2.1 (A) Specifically this relates to 'Better Homes, Stronger Communities' - supporting communities and developers to create good homes and communities. Also 2.2.5 of Platforms for Our Places - innovation to improve the levels of truly affordable housing supply.
(B) The proposal seeks to clarify Government policy regarding the delivery of First Homes.

3.0 Sustainability Issues

- 3.1 No issues identified.

4.0 Equality Issues

- 4.1 The proposal interprets Government policy at the local level. No issues identified.

5.0 Community Safety Issues (Section 17)

- 5.1 No issues identified.

6.0 Human Rights Issues

- 6.1 No issues identified - the proposal should support some in the community to purchase their first market home, potentially freeing up their existing accommodation for other households.

7.0 Reputation

- 7.1 The proposal interprets Government policy at the local level. No issues identified.

8.0 Consultations

8.1 (A) The proposed Interim Position Statement has been taken to the Officer level Affordable Housing Delivery Group and made available to them for comment.

(B) The proposed policy position has been shaped by the outcome of the Government's consultation on First Homes which sought the views of LPAs, registered providers and developers. The emerging policies around First Homes will form part of the update of the Adur Local Plan, which will be subject to statutory consultation.

9.0 Risk Assessment

9.1 Not to publish an Interim Policy Statement could potentially lead to uncertainty as to how the affordable housing proportion of residential developments should be delivered.

10.0 Health & Safety Issues

10.1 None identified.

11.0 Procurement Strategy

11.1 No issues identified.

12.0 Partnership Working

12.1 No issues identified

ADUR DISTRICT COUNCIL

FIRST HOMES: INTERIM POSITION STATEMENT

This Interim Position Statement sets out information in relation to First Homes and the implementation of Government policy in the Adur Local Plan area (Adur district, outside of the South Downs National Park).

Background

On 24th May 2021, the Government published a Written Ministerial Statement (WMS) to set out the Government's plans for the delivery of First Homes, defining the product and changes to planning policy.

The WMS makes clear that First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations (S106 agreements).

The Written Ministerial Statement may be found at: [Written statements](#)

The Government expects that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.

In order to support the future development of First Homes, the Government has also set out changes to planning policy. These changes came into effect from 28 June 2021. Planning Practice Guidance advice on First Homes may be found here:

<https://www.gov.uk/guidance/first-homes>

This Interim Statement explains how the existing Adur Local Plan policy on affordable housing policies should be interpreted in light of the First Homes requirements. This Interim Position Statement will be used to inform decision making on planning applications prior to the update of the Adur Local Plan.

Dates/ Transitional Arrangements

The Written Ministerial Statement sets out transitional arrangements for those local authorities which submitted Local Plans for examination before 28 June 2021. The Adur Local Plan was adopted in 2017 and therefore the transitional arrangements do not apply. With regards to decision making, the First Homes policy requirement does **not** apply for the following:

- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021
- applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022.

What Are First Homes? The National Criteria

First Homes are a specific kind of discounted market sale housing and are included within the Government's definition of 'affordable housing' for planning purposes. Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000.

First Homes must be prioritised for first-time buyers³ and not be sold to any household with a combined annual income in excess of £80,000.

Local authorities can consider setting local criteria, such as discretionary local discounts and price caps if they can demonstrate a need; and also to set lower household income caps for purchasers - see page 4.

Government Policy on First Home requires the following:

1) Setting Developer Contributions for First Homes

A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.

³ as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers

Where cash contributions for affordable housing are secured instead of on-site units, a minimum of 25% of these contributions should be used to secure First Homes.

Where a mixture of cash contributions towards affordable housing and on-site units are secured, 25% of the overall value of affordable housing contributions should be applied to First Homes.

How should the remaining 75% of affordable housing be secured through developer contributions?

The Written Ministerial Statement says: *A local authority should prioritise securing their policy requirements on social rent, once they have secured the 25% First Homes requirement.*

National Planning Practice Guidance states: *The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy.*

Adur's Approach to First Homes

Policy Context

Policy 21 of the Adur Local Plan 2017 together with the Adur Interim Affordable Housing Position Statement 2020⁴ seeks 30% affordable housing on development sites of 10 dwellings or more, with a preferred tenure mix of 75% social /affordable rented and 25% intermediate housing.

Therefore for Adur:

- 25% First Homes
- 56% social/affordable rent (The Adur Local Plan does not distinguish between social and affordable rented tenures).
- 19% Shared ownership

Example: On a site of 50 dwellings:

The affordable housing quota is for 15 dwellings in total. Of these 15:
the first 25% must be First Homes - 4
8 social/affordable rented
3 shared ownership

⁴ <https://www.adur-worthing.gov.uk/media/Media.156780.smxx.pdf>

(figures rounded)

The potential use of local price discounts, price caps, income caps, and local connection criteria will be assessed through the Adur Local Plan update process. This will enable the Council to undertake a comprehensive viability assessment in tandem with the emerging affordable housing policy, as well as allowing consultation on any local discretionary elements.