



# ADUR DISTRICT COUNCIL

26 May 2023

<b>Adur Planning Committee</b>	
<b>Date:</b>	<b>5 June 2023</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>QEII Room, Shoreham Centre, Shoreham-by-Sea</b>

**Committee Membership:** Councillors Carol Albury (Chair), Joe Pannell (Vice-Chair), Jeremy Gardner, Carol O'Neal, Vee Barton, Dan Flower, Jim Funnell, Gabe Crisp and Andy McGregor

**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 **midday on Friday 2 June 2023**.

## 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 **Wednesday 31 May 2023**.

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](mailto:democratic.services@adur-worthing.gov.uk)

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

### **4. Members Questions**

Pre-submitted Members questions are pursuant to rule 12 of the Council & Committee Procedure Rules.

Questions should be submitted by **midday** on **Wednesday 31 May 2023** to Democratic Services, [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

(Note: Member Question Time will operate for a maximum of 30 minutes.)

### **5. Confirmation of Minutes**

To approve the minutes of the Planning Committee meetings of the Committee held on 3 April 2023, which have been emailed to Members.

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

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

### **7. Planning Applications (Pages 5 - 44)**

To consider the reports by the Director for Place, attached as Item 7.

## **Part B - Not for publication - Exempt Information Reports**

**None**

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

Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will be available 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 <a href="mailto:katy.mcmullan@adur-worthing.gov.uk">katy.mcmullan@adur-worthing.gov.uk</a>	Richard Burraston Locum Lawyer 01293 596984 <a href="mailto:Richard.burraston@stevensdrake.com">Richard.burraston@stevensdrake.com</a>

**Duration of the Meeting:** Three 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  
COUNCIL

Planning Committee  
5 June 2023

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

## Report by the Director for Place

### Planning Applications

**1**

**Application Number: AWDM/1859/22      Recommendation – APPROVE**

**Site:            Land East Of 24 To 30 Manor Close, Gardener Street, Portslade**

**Proposal:    4No. three bedroom two storey detached houses including new access road from Gardener Street and alterations to public footpath**

**2**

**Application Number: AWDM/0949/22      Recommendation – APPROVE**

**Site:            St Johns Court, Penstone Close, Lancing**

**Proposal:    Erection of a three-storey side extension to the existing building and recessed roof top extension to the whole of the building to accommodate 9no. flats comprising 7no. 1-bedroom flats and 2no. 2-bedroom flats. Demolition of existing garage block, reconfiguration to existing car parking, proposed landscaping, and cycle/refuse storage.**

**3**

**Application Number: AWDM/0321/23      Recommendation – APPROVE**

**Site:            Land South Of Lorry Park And Adjoining Edge Of Beach, Basin Road South, Southwick**

**Proposal:    Construction of a new rock revetment along the existing defence along the central Shoreham frontage facing Basin Road South. The proposed alignment follows the seaward perimeter of the existing beach crest. Construction of a new footpath along with a new beach access ramp and steps.**

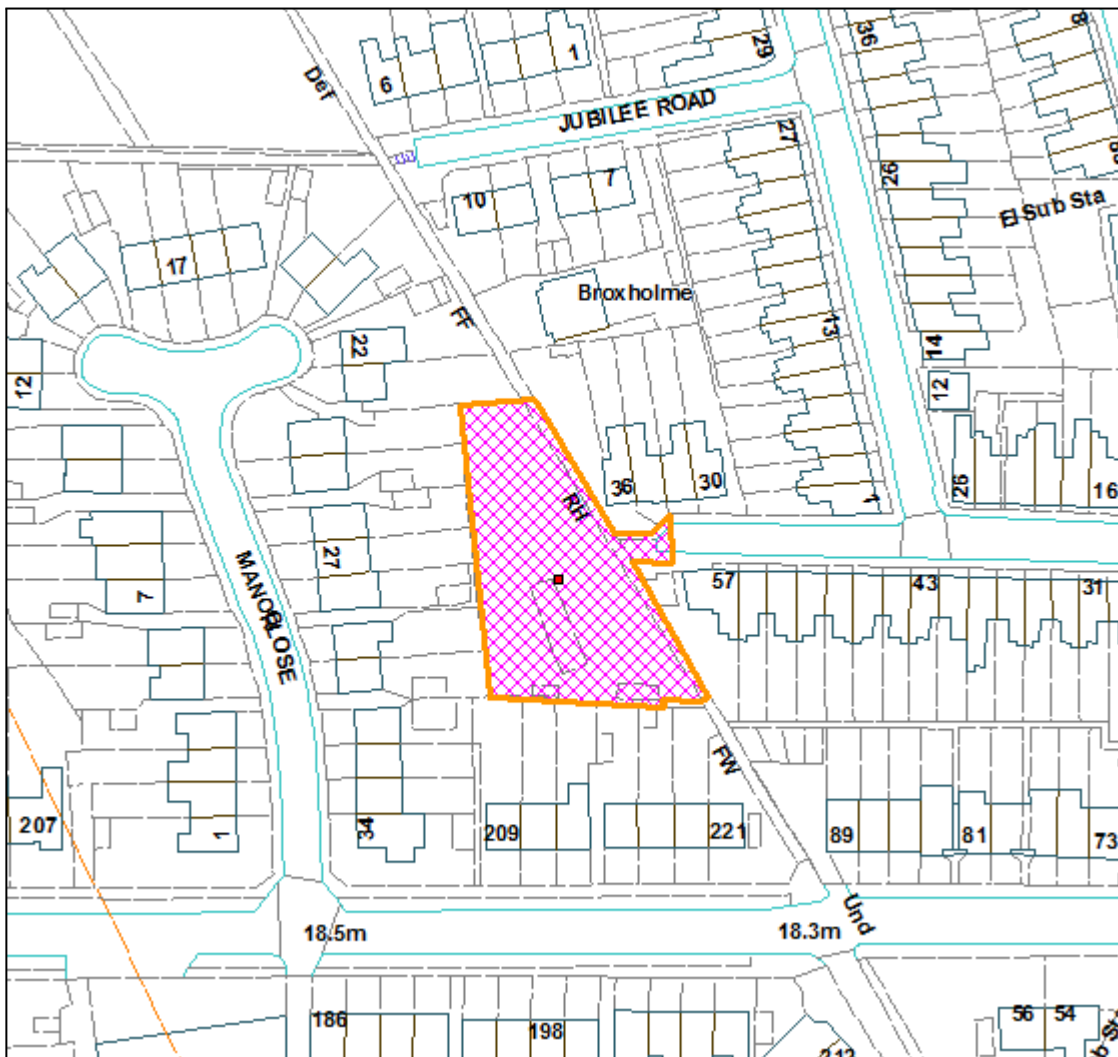
**4**

**Application Number: AWDM/0210/23      Recommendation – REFUSE**

**Site:            23 Firle Road, Lancing, West Sussex**

**Proposal: Hip to gable roof extensions, front dormer, roof extension over part of existing rear hipped roof projection, ground floor side and rear extension balcony with steps on rear elevation.**

Application Number: AWDM/1859/22		Recommendation – APPROVE	
Site:	Land East Of 24 To 30 Manor Close, Gardener Street, Portslade		
Proposal:	4 No. three bedroom two storey detached houses including new access road from Gardener Street and alterations to public footpath		
Applicant:	Bailey Brothers Ltd	Ward:	Eastbrook
Case Officer:	Peter Barnett		



**Not to Scale**

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## **Proposal, Site and Surroundings**

The site is a triangular shaped parcel of land which is a former nursery (now overgrown and disused) to the rear of houses located at Manor Hall Road to the south, Manor Close to the west and north and adjacent to a public footpath which runs along the boundary with Brighton and Hove to the east. The surrounding area is predominantly residential and there is currently no vehicular access to the site.

The application proposes to erect 4no. detached two storey houses, each with three bedrooms. Three of the houses will be at the southern end of the site, which is wider than the northern end, and they will be in a staggered line. The fourth dwelling will be located at the northern end of the site. Each house will have two parking spaces.

Vehicular access is proposed to be created from Gardener Street to the east of the site, within Brighton and Hove. Gardener Street is at a significantly lower level than the site and is currently a cul de sac. There are steps leading up to the footpath and the proposal will involve re-grading the existing footpath and extending the road up and across the footpath into the site.

Planning permission was granted for the same development in January 2019 (AWDM/0756/18) but that permission has now lapsed. An identical application has also been submitted to Brighton and Hove City Council which is due to be reported to their Planning Committee later this month.

## **Relevant Planning History**

AWDM/0756/18 - Proposed 4no. three bedroom two storey detached dwellings including new access from Gardener Street and alterations to public footpath (Former Manor Hall Nursery) - approved

AWDM/0640/19 - Approval of Details Reserved by condition 3 (Ecology - Reptile Translocation) of planning application no. AWDM/0756/18.

AWDM/1789/19 - Approval of Details Reserved by condition 3 (Ecology - Reptile Translocation Completion Report) of planning application no. AWDM/0756/18.

AWDM/1778/21 - Approval of Details Reserved by Conditions: Condition 4 (pedestrian visibility on footpath); Condition 5 (highway works); Condition 7 (footpath works); Condition 8 (drainage); Condition 9 (CMS) and 11 (materials) of Application AWDM/0756/18 - partially approved (conditions 9 and 11 only)

## **Consultations**

**West Sussex County Council:** The **Highways** Officer has made the following comments:



## Summary

This proposal is of similar nature to AWDM/0756/18 and seeks an approval for construction of 4No. three bedroom two storey detached houses including new access road from Gardner Street and alterations to public footpath. The site itself including the proposed dwelling, parking and the existing public footpath are situated within West Sussex County Boundary, however vehicular access onto Gardner Street is situated within Brighton & Hove Council, therefore comment regarding the access arrangements and capacity should be sought from them.

## Vehicular Access General Comments

With regards to the vehicular access, the proposed speed hump would seemingly serve little purpose (it would also potential constitute a traffic calming feature and require advertising under the Road Hump Regulations) given the likely flow and speed of traffic. It's considered that this feature would be altered so as to create more of a ramp onto the shared surface rather than simply an isolated, singular feature.

## Public Footpath Alterations

Vehicular access to the site would be gained utilising part of the public footpath no. 14. Inter-visibility between vehicles exiting the site and pedestrians using the public right of way would also need to be considered. This could simply involve the removal of the close board fence on the immediate approaches to the access.

The public footpath is proposed to be sloped down on each side and onto Gardener Street to better accessibility for the users of the public footpath. Currently, the public footpath can only be accessed via Gardener Street by a flight of steps. The applicant must seek formal approval from WSCC PROW to carry out the proposed works onto the public footpath.

## Car Parking and Turning

The proposed site plan demonstrates parking layout of 2 parking spaces per dwelling and this is in line with WSCC Car Parking Demand Calculator (PDC). Each bay accords with the minimum requirement of 2.4 x 4.8m as outlined in Manual for Streets (MfS) guidance.

The proposed layout demonstrates turning head for the proposed parking, however it is unclear if the turning head would be offered for adoption or retained privately. If the layout is kept private (which is assumed to be the case based upon the design of the proposed scheme), then turning head would have limited public benefit.

## Fire Appliance

Building Regulations state that fire appliances need to be able to get within 45m of a dwelling and any access way required to get within this distance can only be reduced to 2.75m as a minimum. The actual space required to operate at the scene of a fire is 3.7m.

While these matters are strictly not planning matters it is in the interests of the applicant to ensure the approved scheme will also be building regulation compliant. The applicant is advised to provide additional plans and demonstrate that fire appliance can manoeuvre in/out of the site without obstruction through swept path analysis.

I have consulted with WSCC Fire Services for additional advice on this matter as they may have additional suggestions / mitigation measures which can be implemented, however confirmation should be sought from B&H that this reflects the vehicle actually used.

### Sustainability

The site is situated within a residential area in Fishersgate. The closest train station is approximately 3 min walk from the site providing services to Brighton, London Victoria, Worthing and other. Each of the dwellings will be provided with a cycle parking shed. These details are acceptable and can be secured via planning condition.

The **Public Rights of Way** Officer has made the following comments:

This development will create a new vehicular access route which will cross public footpath 15So. This is an urban, surfaced path which currently connects Old Shoreham Road to the North with Manor Hall Road to the South, a distance of approximately 450m along which there is currently no access to motorised vehicles.

It will be important to ensure the ongoing safety and rights of the public who use this path, for example by ensuring vehicles accessing the site during and after construction are aware of the path, of the likelihood that pedestrians will be using the path and of the need to drive safely and respect the rights of the public (see points below for detailed advice).

It also seems very likely that the surface of the path will be disturbed due to the development (for example to enable the construction of the proposed ramps on path 15So - and also potentially, additional ramps on the access road either side of the path as suggested by my colleague Anastasia Toleva as a traffic calming measure). It may be necessary to temporarily close or divert the path.

The development site is currently above the level of Gardener St and construction of the access road and the ramps on path 15So may serve to channel rain water onto the path (& down hill into Gardener St). It will be important to mitigate for this by providing adequate drainage solutions.

**West Sussex Fire and Rescue:** Although the access to this site is via a road within Brighton and Hove boundary, we do have access to cross border fire hydrants that do also appear on our operational mapping. The nearest fire hydrant is within the required distance. There also looks to be a suitable turning facility provided to enable a fire appliance to turn and make their exit. Therefore I believe the requirements of AD-B volume 1 B5 section 13 have been met.

**Adur & Worthing Councils:** The **Environmental Health** Officer has no objection subject to a construction management plan to cover, among other things, dust control, noise, deliveries, material storage, waste removal etc; during the construction phase of the development.

**Private Sector Housing** Team has no objections.

The **Engineer** has no objection. Comments:

Flood risk- The application is within flood zone 1, and is not shown as being at risk from surface water flooding. I therefore have no objections to the proposed development on flood risk grounds.

Surface water Drainage - Recommended condition: 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

**Brighton and Hove City Council (Highway Authority):** No objection. We have received communications from the applicant regarding significant progress made gaining necessary approvals for the S278 works necessary for this application. In acknowledgement of that progress, we would not withhold continued co-operation towards an acceptable scheme of S278 works. We now find this application acceptable subject to submission of a Construction Environment Management Plan, a scheme to lower the fence and planting to the northeast of the site and bounding number 36/36A Gardener Street, a scheme to reprofile the boundary of the public footpath to the south and bounding number 57 Gardener Street, and to the north-east of the site and bounding number 36/36A Gardener Street, completion of proposed highway works to provide access to the site including provision of double yellow line restrictions at the end of the existing cul-de-sac on Gardener Street, to allow refuse vehicles to access the site unimpeded and provision of cycle parking.

S278 Agreement (to be secured in turn via a section 106 agreement) required to secure a scheme of highway works relating to access to the site from the end of Gardener Street covering - Highway design, Footway design, including areas marked for adoption if any, Ensuring visibility to and from the public right of way

**Southern Water:** Requests informatives relating to sewer connections

## **Representations**

19 objections received from residents in Manor Hall Road and Gardener Street, Wolseley Road and Jubilee Road, Portslade, plus a petition received with 11 signatures:

- Impact will be largely and predominantly on Brighton and Hove residents
- Access via Gardener Street is unsuitable for HGVs and emergency vehicles as road is a narrow cul de sac

- Risk of parked cars being damaged
- Increased traffic
- Increased parking congestion
- Impact on boundary footpath - risk to safety of users
- Overdevelopment
- Increased noise
- Loss of privacy
- Increased light pollution
- Land would be better used as a small park for residents
- Proposed double yellow lines will worsen parking situation for existing residents
- Loss of wildlife
- Increased pressure on already stretched local amenities

1 letter of support received from the occupier of 36 Gardener Street:

- The development will improve the look of the area which is currently unused and untidy
- Will provide much needed housing
- Sufficient parking per dwelling should mean that there will not be increased parking in Gardener Street

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

Adur Local Plan 2017 policies 2, 3, 12, 15, 18, 20, 22, 28, 34, 36  
 'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'  
 Eastbrook Allotments Development Brief (Oct 2015)  
 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)  
 Brighton & Hove City Plan Part One (2016) Policy CP9  
 Brighton and Hove City Plan Part Two Policy DM20, DM33 and DM40

### **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 application is proposing new housing within the built up area boundary and can be supported in principle. There have been no policy changes affecting the site since permission was granted for the same development in 2019.

The main considerations are the impact on visual and residential amenities, vehicular access and the impact on the Public Right of Way.

The site is identified within the Eastbrook Allotments Development Brief for open space or small-scale community use. The Brief states:

*“It is a former nursery (now overgrown and disused) to the rear of houses located at Manor Close and adjacent to a public footpath. The surrounding area is predominantly residential. There are structural remains of a greenhouse on site and there is evidence of fly tipping on the site, which has had a detrimental impact on the aesthetics of the surrounding area. There is no vehicular access to the site and its size will limit appropriate uses. However, there is an opportunity here to provide a small-scale community use which could serve development at both Site 1 and Site 2 and has therefore been included as part of the development brief. The site is privately owned and has been actively promoted by the owner.*

*A planning application was submitted in 2005 for six flats and one house (seven dwellings in total), but was refused at planning committee (reference: SW/85/05/TP). Furthermore, the site has been considered as part of the Adur Strategic Housing Land Availability Assessment (SHLAA), however, it was rejected because the gross potential yield of the site was assessed to be below the study threshold of six dwellings (Reference ADC/071/13 – Manor Hall Nursery, Gardener Street, Portslade).”*

The Brief did not consider that the site was suitable for housing primarily because it was not envisaged that vehicular access could be achieved. However, the site has come forward now because the applicant owns 57 Gardner Street and is therefore able to provide the land necessary to enable vehicular access.

The Planning Policy Officer has previously confirmed that, subject to the provision of a suitable vehicular access, the site is considered suitable for residential development and there is no objection to this application in principle.

### ***Density, character and appearance***

The site is irregularly shaped and the proposed layout would differ from that in the surrounding area, which predominantly consists of semi-detached or terraced houses. The site has an area of 1.1ha and the construction of 4 houses would be a low density development which arguably does not represent the most efficient use of land. However, because of the constrained nature of the site, narrowing in width at its

northern end and being surrounded by existing housing, a higher density is not considered to be appropriate here.

The proposed houses have a simple design with pitched tiled roofs, gable ends and porch canopies. Plots 2 and 4 have two storey gable projections at the front while Plots 1 and 3 have Juliet balconies at the front. They are to be rendered with brickwork elements, such as on the front projections and above windows.

The existing housing in Manor Close and Manor Hall Road has hipped roofs and the roof form will differ therefore. However, it is considered that the houses could be viewed as a stand-alone development or more associated as an extension to Gardener Street, and will not necessarily be seen in context with those houses behind.

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

The houses have a floor area of 96-99sqm which meets the national minimum standard for a 3 bed 5 person 2 storey house. Externally, Plots 1-3 have rear garden depths in excess of 11m (between 11.2m and 12.6m) and areas of between 77 and 91sqm. Plot 4 has a shorter rear garden of 7.4m but an overall area of over 100sqm. The Council's Standard for 3 bedroom dwellings is 85sqm and it is considered that the slight shortfall for Plots 1 and 2 is not sufficiently serious to warrant refusal.

The dwellings will enjoy reasonable garden areas and a good standard of internal accommodation. However, in view of the garden depths and areas it is considered reasonable to remove permitted development rights for future extensions as a large ground floor extension or outbuilding would significantly reduce the size of the gardens and bring the development closer to neighbours.

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

The proposed dwellings have been laid out to minimise the impact on neighbouring occupiers. Plots 1-3 run along the southern end of the site and have a staggered layout reflecting the angle of the boundary with the rear of houses in Manor Hall Road. Distances from the rear of the proposed houses to the southern boundary vary from 11.26m to 12.62m with the distances to the rear of the houses in Manor Hall Road exceeding 22m, which is the usual minimum back-to-back distance sought between two storey houses. One of the dwellings in Manor Hall Road (213) has a rear dormer and separation distances will fall slightly short of the 28m specified in the Council's DM Standard for separation between 2 and 3 storey dwellings. However, the proposed houses will not directly face the rear of the houses in Manor Hall Road and the oblique angle of view will help to further mitigate any potential for overlooking.

To the west, dwellings in Manor Close will face onto the side of the development, specifically Plots 3 and 4. Plot 4 will be a distance of 23m from the rear of 25 Manor Close and 20m from the rear of No.26. These distances comfortably exceed the 14m rear to side measurement required by the DM Standard. The front of Plot 3 is angled to face across the rear gardens of the Manor Close properties but will not face directly

towards the rear of those dwellings. There are no first floor windows in the west side elevation of Plot 3 and Plot 4 has two obscure glazed windows only.

The rear of Plot 4 will face across the rear garden of 23 Manor Close and will be only 7.4m from the boundary. To avoid an intrusive impact on neighbours, there will be only one first floor window on the rear elevation which is an obscure glazed bathroom window.

The site is on higher ground than the houses in Gardener Street to the east but the site is separated by a public footpath and approximately 6m will separate Plot 1 from the side of the new dwelling under construction at the side of 57 Gardener Street. Plot 1 will not affect light or outlook from the new dwelling to the east, which will enjoy a southern aspect, and there are no side windows proposed for Plot 1.

Overall, the layout and design of the houses is considered to be acceptable in terms of the impact on existing residential occupiers.

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

The application is supported by a Transport Report which sets out the access proposals. It states that the site is located at the end of Gardener Street, a Victorian terraced street which ends in a cul de sac. Gardener Street is at a lower level than the site (1.6m lower) and there is a public right of way (PROW) between the road and the site which forms the boundary between Brighton & Hove and Adur & Worthing Councils.

It is proposed to form a vehicular access by excavating material from the site and connecting it to the existing level of Gardener Street. The access will cut across the PROW which will itself be re-profiled. A speed bump is proposed to slow vehicle speeds. A new footway will be formed across the front of 59 Gardener Street (which is within the applicant's ownership) to connect with the PROW and which will replace the existing steps currently used to access the PROW. The access will have a gradient of 7% while the PROW will have gradients of 3% and 5% dropping down to the new crossover.

There will be a turning space at the side of Plot 4 to enable refuse vehicles and emergency services vehicles to enter and turn within the site without having to reverse along Gardener Street.

Two parking spaces are to be provided for each dwelling which is considered to be acceptable. The site is in a sustainable location, being close to Fishersgate Railway Station. A secure bicycle store is proposed for each dwelling.

As the access will be from Brighton and Hove the highways/transport comments of that local authority were required. Following initial objections, discussions with the applicant have led to a removal of their objection as significant progress has been made towards gaining approval for the necessary s278 highway works. Required measures include double yellow lines protecting access to the site. Brighton & Hove Council is satisfied

that their concerns have been addressed and they have recommended conditions to secure full details of the highway design.

For users of the footpath, a condition is to be imposed requiring full design details for the proposed lowering of the fence and hedge adjoining the lowered PROW to provide sufficient visibility. This will require the agreement of the adjoining landowner (36/36A Gardener Street).

West Sussex Rights of Way team also has no objection to the footpath works subject to details.

### ***Ecology and biodiversity***

The site previously consisted of unmaintained grassland but has been cleared. An Ecology Technical Note has been submitted with the application which confirms that reptile translocation (slow worms) took place prior to the clearance works, in compliance with Condition 3 of the previous planning permission.

The Note also recommends biodiversity enhancements in the form of wildflower planting and nest boxes and this can be secured by condition.

### **Sustainability**

PV panels, air source heat pumps and EV charging spaces are proposed for each dwelling. These measures will help reduce carbon emissions and result in a more sustainable development.

### **Recommendation**

#### **APPROVE**

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

1. Approved Plans
2. Standard 3 year time limit
3. Prior to the commencement of development or any preparatory works, an ecological and biodiversity enhancement scheme shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Ecology Technical Note. All approved details shall then be implemented in full and in accordance with the agreed timings and details.
4. Prior to commencement of the development hereby permitted, a scheme to lower the fence and planting to the northeast of the site and bounding number 36/36A Gardener Street shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans, elevations, visibility splays and evidence of the agreement with landowners. The agreed scheme shall be implemented in full prior to commencement of development



5. Prior to commencement of the development hereby permitted, a scheme to reprofile the boundary of the public footpath to the south and bounding number 59 Gardener Street, and to the north-east of the site and bounding number 36/36A Gardener Street shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans, elevations, visibility splays and evidence of the agreement with landowners. The agreed scheme shall be implemented in full prior to commencement of development.
6. Prior to first occupation of the development hereby permitted, the proposed highway works to provide access to the site shall have been implemented. In addition, double yellow line restrictions at the end of the existing cul-de-sac on Gardener Street, to allow refuse vehicles to access the site unimpeded, shall have been installed.
7. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
8. Prior to commencement of the development hereby permitted, details of all works intended to be undertaken on the footpath, including a specification of materials, shall be submitted and approved in writing by West Sussex County Council (WSCC) as the highway authority. The development shall be carried out in accordance with the approved details.
9. Surface water drainage details to be submitted and approved, including details of drainage to prevent flooding of public right of way
10. Construction Management Plan to be submitted and approved
11. No demolition or construction work (including deliveries) shall take place on the site except between the hours of 8am-6pm Monday to Friday and 8.30am -1pm on Saturdays only. There shall be no working on Sundays or Public Holidays.
12. Materials as approved
13. Hard and soft landscaping to be approved
14. Boundary treatment to be approved
15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered by means of any development as set out within Classes A, B, C, D and E of Part 1 of the Schedule to that Order.
16. No additional windows in west elevation of Plot 4
17. Refuse storage to be provided in accordance with approved plans
18. Each 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.
19. Parking spaces (with EV charging) to be provided in accordance with approved plan
20. Sustainability measures to be included as per approved plans

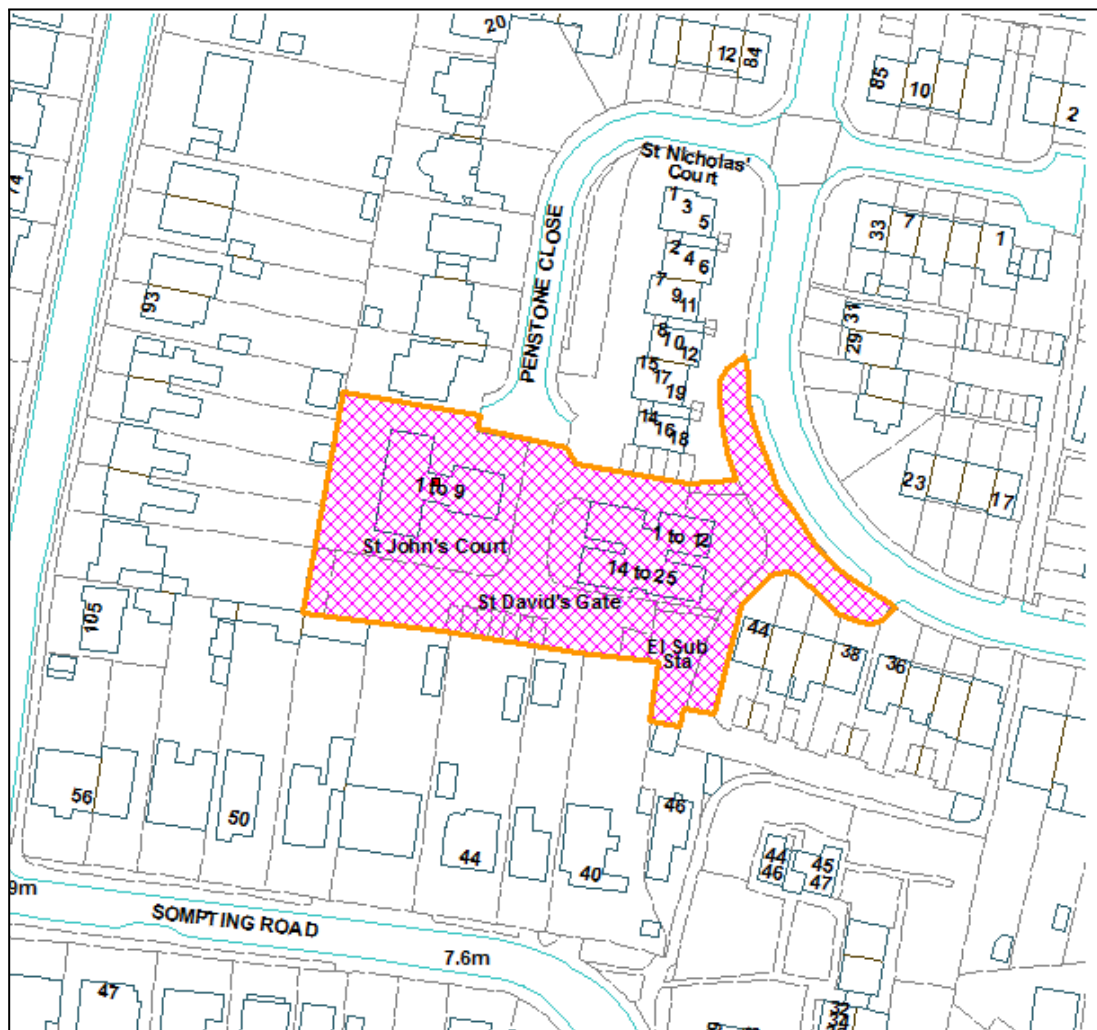
Informatives:

1. The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 290729) for necessary highway

approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition XX. The applicant will be responsible for all costs including the cost of preparing and advertising the Traffic Regulation Order for the double yellow lines.

2. Safe and convenient public access shall be made available at all times across the full width of the PROW. Where it is necessary to undertake works within the legal width of the PROW, e.g. install utilities, the applicant must apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved and that a minimum of 8 weeks' is needed to consider an application.
3. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.
4. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
5. Southern Water

Application Number:	AWDM/0949/22	Recommendation - APPROVE
Site:	St Johns Court, Penstone Close, Lancing	
Proposal:	Erection of a three-storey side extension to the existing building and recessed roof top extension to the whole of the building to accommodate 9no. flats comprising 7no. 1-bedroom flats and 2no. 2-bedroom flats. Demolition of existing garage block, reconfiguration to existing car parking, proposed landscaping, and cycle/refuse storage.	
Applicant:	Lincoln Estates Ltd	Ward: Churchill
Agent:	ECE Planning Ltd	
Case Officer:	Peter Barnett	



**Not to Scale**

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## **Update**

This application was first reported to the Adur Planning Committee at its meeting in February 2023. Members deferred a decision to enable further consideration to be given to parking, access and bin storage issues.

Since that meeting, amended plans have been received removing a bin store from on the boundary with 30 Penstone Close and relocating it to the southern boundary of the site. Clarification regarding the 7 no. visitor parking spaces in the layby off Penstone Park has also been provided. It has been confirmed by West Sussex that these spaces are within the public highway and cannot be reserved for the residents of the development. A revised parking layout has been submitted, removing the use of these spaces as exclusive visitor spaces but they have been retained as spaces available for all to use, including residents of the development if available.

Consideration of these and all the other issues is set out in the report below.

## **Proposal, Site and Surroundings**

The application relates to a three storey flat roofed block of flats known as St John's Court located at the southern end of Penstone Close which contains a mix of bungalows and houses but also another three storey block of flats (St Nicholas' Court). There is a six storey block of flats immediately to the east of the site, known as St David's Gate. To the west the site backs onto the rear gardens of dwellings in Wembley Avenue while to the south are rear gardens of dwellings in Sompting Road.

Both St Johns Court and St David's Gate (which is within the applicant's ownership) share unallocated parking spaces for residents to use. There are also 7no. garage spaces which are currently privately rented to offsite residents. The site has vehicular access via Penstone Close.

The application seeks permission to erect a three-storey extension to the southwestern corner of St Johns Court and to construct a recessed fourth floor over the entire building, providing a total of 9no. additional units of residential accommodation. The side extension would measure approximately 10 metres wide.

The new flats would comprise 7no. 1 bed flats within the three storey extension and 2no. 2 bed flats on the roof.

The Design and Access Statement submitted with the application states:

*"The appearance of the building has been designed to reflect the value in the simplicity and proportions of the existing building. The existing window openings are altered to introduce a more contemporary window style and make the block cohesive as a whole. The proposed windows will preserve the existing head heights but are often changed in width and swapped to full height windows to create a contemporary aesthetic and boost natural daylight within the existing flats. Large picture windows are introduced at the lobbies to create dual aspect upon approach and help mark the entrances. A number of smaller window sizes overlooking boundaries. The proposed*

*extension is to be white render along with the existing St Johns block which is proposed to be over clad in insulated render. This will visually tie the elements together while also providing increased thermal efficiency to the existing flats. Standing seam aluminium is used on the third floor as well as a feature in between windows.”*



Proposed West Elevation

The existing road arrangement along the southern boundary is proposed to be shortened and the garage block on the southern boundary is to be removed to create a new area of 13 parking spaces. Elsewhere, the parking arrangement will be formalised to move the vehicles off the main access routes by proposing parking spaces on the existing grass verges. These include 6 new spaces on land west of 44 Penstone Park in the SE corner of the site, which will necessitate the removal of an existing hedge. In total, as amended, 31no. car parking spaces will be provided across the site.

1 bin store is proposed, shown as being on the southern boundary, and 2 bike stores, in the SW corner of the site and on the northern boundary close to the hammerhead at the end of Penstone Close.

Private amenity gardens are proposed to the rear of St Johns Court with a communal garden area proposed to the west.

In order to provide an energy efficient development, air source heat pumps are proposed, which are to be located on the roof in two locations, set in from the edge.

### **Relevant Planning History**

L/13/85 - Two-Storey Block Of 6 Flats - refused for the following reason:

*“Having regard to the limited area of the site and its relationship to existing residential accommodation the proposed development would give rise to a density of development which would be detrimental to the amenities and environment of the locality and would, largely on account of the additional parking provision required, result in a serious loss of amenity space for existing flats.”*

The original file has not been located however so it is not clear to which part of the site this relates to or what was proposed in any detail.

## **Consultations**

**West Sussex County Council: Comments on latest plans:** The **Highways** Officer has no objection. Given the small increase in dwellings as a result of the proposal, the sustainable location of the site and the on highway parking controls in the local area the Highway Authority would not raise an objection to the proposed application given the overall parking spaces available. The area showing the visitor spaces to the front of the site is designated a public highway. The land beneath the surface of the road may well be under private ownership but once an area has been designated as a public highway it remains so and has priority over private ownership. What this means is that the spaces in question should be available for all to use and should not be designated as private i.e. no barriers to parking or private signs should be in place.

Even with this scenario there is no highway objection to the proposed level of car parking and the potential for overspill car parking. A parking survey is not required in this instance.

### **Previous Highways comments:**

#### Access

No changes are proposed to the existing vehicular access point from Penstone Close. However it is proposed for a number of spaces to be served via an additional existing access from Penstone Park. Please note that new surfacing/block paving within the site will be bounding the public highway, therefore a minor works licence may be required for adjacent kerbing etc.

#### Car parking

It is stated there are currently 31 informal parking spaces within the existing car park which will be increased to 37 as part of this application. This is broken down into 29 for the 2 flats blocks (0.7 spaces per flat) plus 8 visitor spaces. This is close to the existing car parking to flat ratio.

As the car parking area is proposed as a shared surface the area will need to be block paved in a contrasting colour. As per the D&A statement.

#### Access from Penstone Park

Whilst the parking provision as stated in the D&A statement and above would be acceptable to the Highway Authority, there are some concerns over the visitor parking provision and spaces 24-29. The existing area/layby bounding Penstone Park and shown edged in red on the plans is within the public highway and therefore the 7 visitor spaces can not be included within the application. Parking spaces 24-29 appear to have been positioned in the area of the Electricity Sub station or blocking maintenance access.

The applicant has confirmed that access to the sub-station will remain as existing (from the north) and the proposed parking spaces will not obstruct access.

#### Electric Vehicle Charging

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore,

WSSC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

#### Cycle Parking

The applicant has confirmed that 13 cycle parking spaces will be provided which is acceptable.

#### Recycling/Waste

The Design and Access Statement includes areas to store waste and recycling facilities. Both Cycle and Bin storage are labelled as '2' and are in 2 locations. The bin store should be located close to Penstone Close to allow for Refuse vehicles to easily access the facility.

#### Sustainability

The site is located within 7 minutes walk of the main village with pedestrian links from the site. Lancing Train Station and connections to local bus services are also within walking distance.

**West Sussex Fire and Rescue:** Evidence is required to show that all points inside all flats are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

**Adur & Worthing Councils:** The **Environmental Health** officer (Public Health) has no objections. Recommends a condition to secure a Construction Management Plan, including a resident liaison section, to minimise any disruption to the existing residents during construction

The **Environmental Health** officer (Private Sector Housing) has no objections overall, but the orientation of the flats mean that there is unsympathetic stacking of conflicting uses

The **Waste Services** Officer has not commented.

The **Engineer Flood risk-** The application is within flood zone 1, The application is within flood zone 1, but has areas in the vicinity shown to be at risk from surface water flooding. We have no objections to the proposals on flood risk grounds. Surface water drainage- our mapping indicates there may be a private surface water sewer located within the location of the proposed extension. This should be fully investigated via CCTV survey, and investigations into the asset owner should be made. As per our validation list this application should be supported by a surface water drainage statement. We wish to place an OBJECTION, AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Information is required prior to determination as it is not clear that policy compliant drainage can be secured via conditions. In order to overcome our objection the applicant should submit: 1. Results of investigations into existing drainage assets to the south of the building within/ near the location of the proposed extension. 2. A

surface water drainage strategy outlining proposed methods of surface water disposal. This should clearly detail the existing drainage arrangements, and should consider that there are no public surface water sewers in this location. Discharge of surface water must not occur to the foul sewer. Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

**Agent's Response:** We do not have details of the private surface water sewer on site. However, this is private and does not relate to the surface water drainage of the wider locality, nor is it under the control of the council. Should the sewer pose any issues there is scope to relocate to the south of the proposal or to incorporate it within the significant hardstanding which is currently on the site. Should the council consider this to be unacceptable then an appropriately worded condition could be attached to the decision notice requesting further information regarding the drainage systems of the site to be approved in writing by the LPA prior to commencement of the development. As such it is not considered that a full CCTV Survey is appropriate or necessary at this stage.

The drainage system proposed on the site follows that of the existing. The additional 133.95sqm on an area which is currently hard standing is not considered to result in any significant increase in surface water runoff. As such the proposed development is not considered to create an unacceptable increase in the surface water drainage of the site or cause a significant increase in surface water flooding elsewhere. Full details for such a system can be controlled by condition.

**Engineer's Second Consultation Response:** The diameter and depth of the private sewer will determine whether it is appropriate to build over/ near to it, and the gradient will determine if it would be possible to divert the sewer. It is of course also possible that the private status is incorrect. We would not support leaving this to conditions as it is fundamental to the acceptability of the principle of development.

We stand by our request that a surface water drainage statement should be provided with the application, this application should not have been validated without it. It is not evident that there will be 0m<sup>2</sup> increase in impermeable area, furthermore the drainage arrangements for the existing impermeable area are not known and will unlikely meet current policy requirements. Due to the lack of public surface water sewers here there is a significant reliance upon sufficient space for soakaways, i.e. surface water drainage is fundamental to the acceptability of the principle of development.

**Engineer's Third Consultation Response following receipt of updated Drainage Report:** The surface water drainage design is based upon an assumed infiltration rate. The groundwater level is based upon records taken in 1958/59.

The CCTV survey of the existing private drainage system does not include the two manholes to the south of the site which could conflict with the proposed extension. The calculations and strategy are in principle satisfactory, however, I would recommend that the Groundwater levels and infiltration rates are validated by on-site investigations and the design reviewed and re-submitted before development commences.



Also the private drainage system is revisited to rule out any conflict with the proposals before development commences.

Confirms that there is no objection in principle and that this can be subject to the usual condition.

**Southern Water:** The exact position of the existing foul sewer and water main assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Recommend condition requiring details of foul sewerage and surface water disposal.

**Lancing Parish Council:** No response received

## **Representations**

9 letters of objection received from the occupiers of 28, 30 Penstone Close, 95, 97 Wembley Avenue, 3 St Johns Court, 10, 14 St Nicholas Court, 44 Penstone Park and 48 Sompting Road:

- Existing roads already congested with limited parking
- Proposal will worsen parking situation
- Increased risk to highway safety
- Noise disturbance and disruption during construction
- Loss of light
- Increased traffic using access road at side of 44 Penstone Park, increasing noise and fumes
- Loss of high hedge and resulting privacy
- Loss of wildlife, hedge and green space
- Overlooking, loss of privacy
- Bike and bin store proposed adjacent to bungalow at 30 Penstone Close could lead to smells
- Where will access for refuse collectors be?
- Security risk
- Sewage concerns

Petition with 50 signatures received from addresses in St Johns Court, Penstone Close, St Nicholas Court, Penstone Park, St David's Gate, Annweir Avenue:

- Objecting to volume of additional traffic, increased risk to safety and worsening of parking difficulties in the area

Owner of 44 Sompting Road observes that the garage block due for demolition forms his boundary wall. In order to maintain security & privacy, could this wall be either retained, rebuilt or replaced with a 2 metre fence?

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 2, 3, 15, 18, 20, 22, 28, 30, 31, 34, 36

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

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)  
WSSC 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 application relates to a residential extension of an existing block of flats located within the built up area and is acceptable in principle subject to the usual planning considerations which are set out in the report below.

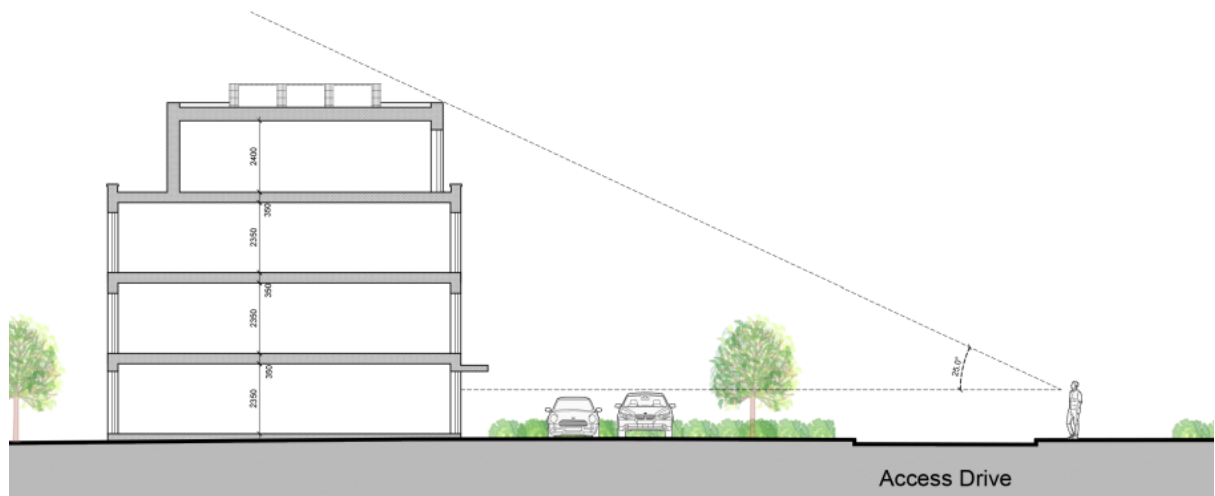
The proposals will help towards meeting the identified housing need in Adur by providing 9no additional residential units.

### ***Visual amenity***

The proposals will increase the bulk and scale of the block of flats, from three to four storeys, plus a large side extension. However, the building is to the west of a much taller block of flats at St David's Gate (6 storeys) and the proposed increase in height is not considered to have a significant visual impact when seen in context with that building. The main bulk of the side extension is within the SW corner of the site and will not be unduly prominent due to the taller block of flats in front limiting views from Penstone Park.

It is acknowledged that there are bungalows in Penstone Close, including immediately adjacent to the north, and there will be a greater disparity between the heights of those buildings as a result of this proposal, but the visual impact of the increase in height is reduced by the set back of the top floor from the edge of the building by almost 3m on the part of the building which is closest to the nearest bungalow. Overall, the increased height is considered to be acceptable.

The addition of the Air Source Heat Pump plant to the roof will further increase the overall height by 0.6m in two separate locations. However, the plant is considered to be a relatively minor addition which will not be prominent in views from the street as demonstrated in the section drawing below:



The proposal will also see an uplift in the appearance of the building through the use of render and aluminium on the top floor. Existing windows are to be upgraded to be more contemporary through the use of dark grey UPVC, with increased width and depth in places to become full height windows. The overall aesthetic is considered to be an improvement which will enhance its appearance in the street scene.

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

The most affected properties are the bungalows in Penstone Close to the north, the houses to the west in Wembley Avenue and the houses to the south on Sompting Road.

As discussed in the section above, the impact of the roof extension on the adjacent bungalow (30 Penstone Close) is mitigated by its set back from the edge of the building. No. 30 sits close to the boundary with St Johns Court but is 6.5m from the nearest building. It has a blank side wall but does have a rear conservatory with side glazing. However, the conservatory projects beyond the line of the flats and will continue to receive light from the south and west as existing.

New windows are shown on the north elevation of the roof extension facing towards Penstone Close but these face out over the road itself or the front of neighbouring bungalows and view into rear gardens are restricted by the set back of the extension from the building edge.

A covered bin and bike store originally proposed to be located on the northern boundary adjacent to the front garden of No.30 has now been removed. A smaller bike store for 4no. bicycles is proposed on the northern boundary behind a hedge at the hammerhead at the end of Penstone Place. It is considered to be sufficiently distant from No. 30 to not cause any loss of amenity.

To the west, the houses in Wembley Avenue back onto the site at a distance of 33m to the closest dwelling. There is a quite extensive tree cover which provides a screen in the summer for some properties but the extension will be visible from these houses. However, at a minimum of 33m the distance between the buildings is considered to be sufficient to prevent a serious loss of amenity through overlooking or loss of light. The flats are 10m from the western boundary and the top floor is to be recessed by 1.5m-2m. Despite there being an increase in the number of windows and enlarged openings on the existing building, the separation distance complies with the Council's DM Standard No.1 which advises:

*"A distance of 22m is considered sufficient between 2 storey blocks of flats (which have no "permitted development" rights) but in the case of three-storey houses or flats a distance of 28m would be required. Where a one or two-storey building backs onto a three-storey building a space of 28m would also be required. Higher buildings would need to be considered on their merits."*

This proposal will result in a four storey building but, taking into account the set back of the top floor, the separation distance of minimum 33m is considered to be acceptable in this case and no serious harm will arise for residents in Wembley Avenue.

To the south, houses in Sompting Road will face the side of the new extension at a distance of 28m -35m. Fewer and smaller window openings are proposed on the top floor which has a set back 1.4m. There is also a good tree screen on the boundary. No harm is considered to arise.

44 Penstone Park lies to the east of the site adjacent to an existing access road which leads to a garage block at the rear of that property. There is an existing hedge which currently abuts the access road with an area of lawn beyond that, directly to the west of 44 Penstone Park. The proposals would see the hedge removed and the lawn area reduced in size in order to accommodate 6 new parking spaces, to be accessed from Penstone Park. This will increase activity along the side of No.44, which has its entrance door and a number of windows facing the access road. However, the road is already used to access the garages at the rear and the noise and activity associated with the 6 new spaces is not considered to be sufficiently significant to cause a harmful loss of amenity.

Overall, the proposals are considered to have an acceptable impact on the residential amenities of existing occupiers.

### ***Residential amenity - for proposed dwellings***

The proposed flats will meet the Nationally Described Space Standards having floor areas of between 50sqm (1bed, 2person flat) to 66sqm (2bed, 3 person flat). There will be some unsympathetic stacking of rooms, with bedrooms above living rooms and kitchens, but internal layouts are not a planning concern generally and the issue of noise between flats is usually dealt with under Part E of the Building Regulations which will ensure that there is an acceptable level of sound transmission between the flats.

The ground floor flats on the west side will have private amenity spaces and all flats will have access to a shared amenity space to the west.

The proposal is considered to provide an acceptable standard of accommodation for proposed occupants.

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

The proposals include a reconfiguration of the existing parking arrangements to provide a more formalised layout for both St Johns Court and St David's Gate, which is also within the applicant's ownership. There are currently 31 spaces serving the 33 flats in both blocks and the proposals will see the same number of spaces to serve an additional 9 flats. While there is no increase in the number of spaces it should be noted that the existing parking spaces include 7 garages which the applicant claims are too small for modern cars and which are used for storage. They are also rented out to non residents. They are not therefore currently being used for parking so the more realistic total number of existing spaces is 24. Their removal and replacement with 31 surface parking spaces will therefore be of benefit. Access remains via Penstone Place for all but the 6 spaces in the SE corner of the site which are accessed off Penstone Park.

The site also benefits from being in a sustainable location within walking distance of Lancing Station, the local amenities in Lancing and public transport services on Grinstead Lane. This could result in lower levels of car ownership than in other, less accessible areas. 13 cycle parking spaces are to be provided comprising 9 spaces within two covered stores and 4 spaces via Sheffield stands.

While some overspill on-street parking could take place, it is not considered to be at a level that would result in a highway safety or amenity concern that would be deemed to warrant a reason to refuse the planning application. The previously identified 7 visitor spaces within the public highway, while not exclusively for use by residents of this development, are nevertheless also potentially available for use should the need arise.

While the concerns of residents regarding parking shortfalls and the potential for increased congestion are acknowledged, it is considered that the new parking proposals will enable a more efficient layout which will be of benefit to the occupiers of the flats and local residents alike.

For the reasons set out above, the parking provision and layout is considered to be acceptable.

The Fire Service comments are noted. They have advised that any areas not within the 45 metre distance from a fire appliance will need to be mitigated by the installation of domestic sprinkler or water mist system. This will be covered under the Building Regulations but can also be included as an informative on the permission.

### ***Loss of green space***

The new parking arrangement will see the loss of a hedge and some grassed areas, diminishing the amount of green space around the flats. While this is regrettable, new, more formalised landscaping and hedge planting is to be provided to ensure that existing residents in the flats are screened from the new spaces. The small reduction in green space is balanced against the new housing to be provided and a more efficient parking layout and, overall, it is not considered that sufficient harm would be caused to warrant refusal on this ground.

### ***Flood risk and drainage***

The site is located in Flood Zone 1 which means that it has a low probability of flooding but there are areas in the vicinity shown to be at risk from surface water. Following initial objections and subsequent discussions with the Council's Engineer, a revised drainage strategy is proposed.

The site has an existing surface water drainage system that uses soakaways to discharge surface water from St John's Court and St David's Gate. Due to the shared use of this drainage system between St John's Court and St David's Gate, the proposed drainage strategy is to retain the 2no. soakaways in the north-south section of the access road, as these serve the northern and western 'wings' of St John's Court and St David's Gate, all of which are not undergoing development. The footprint of the extension to the southern 'wing' of St John's Court will conflict with the location of the single soakaway in the east-west section of the access road, meaning that this must be removed. SuDs drainage is proposed in this area.

Some of the new parking spaces are to be provided on land that is currently lawn which represents an increase in impermeable areas and it is therefore proposed that permeable pavements will be used for the new parking areas.

Through the use of existing soakaways, new permeable pavements and attenuation methods, the applicants consider that the development will successfully attenuate and discharge surface water without increasing flood risk.

The Council's Engineer is satisfied that this approach is acceptable in principle and that full details can be reserved by condition.

### ***Sustainability***

The applicants have confirmed that the development has been designed to meet the new Building Regulation Part L Standards 2022 (Conservation of Fuel & Power). This newly adopted standard achieves a 30% carbon reduction on the 2016 standards, which in themselves would achieve an even greater reduction on the 2013 standards.

The development will be gas free with Air Source Heat pumps being fitted to cater for the heating and hot water supply. They have confirmed that this will exceed a 31% CO2 reduction, compared to the Building Regulations Part L 2013 standard, as recommended in the Council's Planning and Climate Change Checklist.

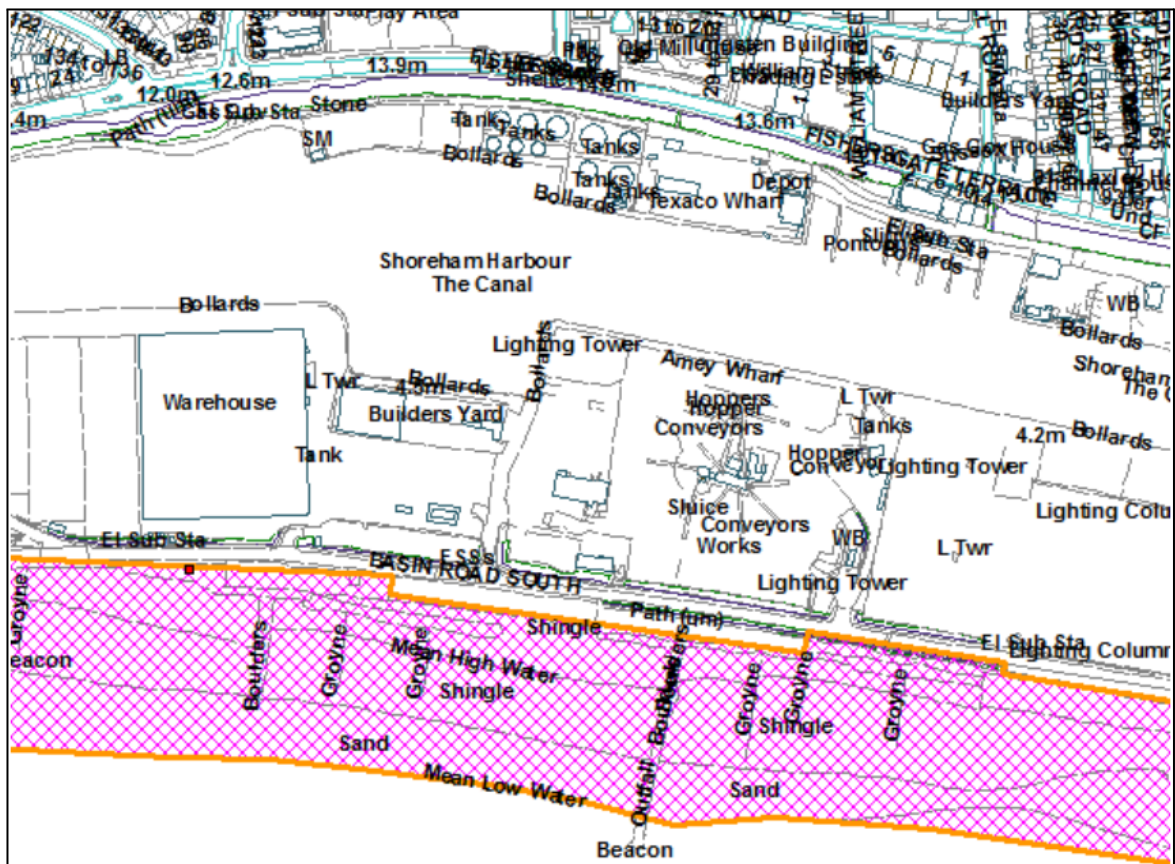
## **Recommendation**

### **Approve**

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

1. Approved Plans
2. 3 year time limit
3. Schedule and samples of materials to be submitted and approved
4. Construction Management Plan (to include resident liaison) to be submitted and approved
5. Hours of working: 8-6 Monday to Friday, 8.30-1 Saturdays, no working on Sundays or Public Holidays
6. Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. 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 Percolation testing to BRE 365, 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
7. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
8. Car and cycle parking to be provided in accordance with the approved plans
9. Waste storage to be provided in accordance with the approved plans
10. Sustainability and energy efficiency measures to be provided in accordance with the approved details
11. Landscaping scheme to be submitted and approved

Application Number:	AWDM/0321/23	Recommendation - APPROVE
Site:	Land South Of Lorry Park And Adjoining Edge Of Beach, Basin Road South, Southwick	
Proposal:	Construction of a new rock revetment along the existing defence along the central Shoreham frontage facing Basin Road South. The proposed alignment follows the seaward perimeter of the existing beach crest. Construction of a new footpath along with a new beach access ramp and steps.	
Applicant:	Brighton and Hove City Council	Ward: Eastbrook
Agent:	JBA Consulting	
Case Officer:	Peter Barnett	



**Not to Scale**

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## Proposal, Site and Surroundings

The application site runs along the south side of Basin Road South at Shoreham Port and includes part of the beach. It is proposed to construct rock revetments (sea defences) as part of a wider package of coastal defence works between Brighton Marina and Shoreham Port known as the Brighton Marina to River Adur Flood and Coastal Erosion Risk Management Strategy (FCERM). As background to the application, the submitted Planning, Design & Access Statement explains:

*“The open coast frontage between the River Adur and Brighton Marina is at risk of flooding from wave overtopping.*

*There are significant erosive forces at the Shoreham end of the frontage. There is a natural drift of sediment along the South Coast, Brighton included, from west to east. The supply of natural sediment drift material to the Shoreham frontage is impeded by the mouth of the River Adur and associated walls. Limited sediment supply, coupled with wave action, has resulted in significant erosive forces at the western end of the frontage. As a result, the residual life of the existing defences is inadequate. The open coast frontage is also at risk of flooding from wave overtopping due to a combination of significant variations in defence heights and beach widths and deterioration of defence assets.*

*The shingle beach along the frontage provides the main form of coastal defence and is controlled by a series of timber, rock, masonry and concrete groynes. Historic storm events have previously led to flooding of commercial premises and properties along Brighton seafront and on adjacent roads. Emergency repair works have been undertaken to repair breaches in seawalls and some structures, but many remain in a collapsed or partially collapsed condition. There are significant variations in defence heights and beach widths along the frontage which have resulted in a number of weak points susceptible to flooding. Deteriorated and aged assets along the frontage have resulted in a poorly controlled beach susceptible to significant storm draw down and breach risk.”*

The proposed FCERM proposes work in six different locations, and this application considers works in Area 2, which is the only area within Adur District which requires planning permission.

The application proposes to construct a new rock revetment following the seaward perimeter of the existing beach crest. A new footpath will be constructed along the top of the existing sheet piles, along with a new beach access ramp and steps. The rock revetment would span an area of approximately 740 metres in length, between 8.6 and 11.8 metres in depth and ranging from 2 to 3 metres in height from toe to crest. The footpath would be approximately 3 metres wide and approximately 545 metres in length.

The site runs from the west side of a car park, regularly used by surfers, which is to the east of a parking/storage compound on the south side of the road, in front of Barret Steel and Solent Wharf.

Rock used for the revetment would be delivered from the Lydd Ranges Sea Defence scheme (in Lydd, Kent, approximately 40 miles from the site) either by barge or by road. Any additional rock required would be imported and delivered by road.

A number of existing redundant timber and steel groynes on the beach are to be removed as part of the works.

The application is supported by the aforementioned Planning, Design & Access Statement, a Biodiversity Net Gain Justification Report, Ecological Impact Assessment, Ecological Design Strategy, Outline Construction and Environmental Management Plan (CEMP), Landscape and Visual Appraisal and Flood Risk Assessment.

## **Consultations**

**West Sussex County Council:** The **Highway Authority** has no objection. Comments that Basin Road South is privately maintained and thus any access works required should seek permission of the proprietor of the private road. Footpath 9So runs along Basin Road South. Access to the west from 'T' class access route between Basin Road South and Albion Street is also maintained by WSCC PROW. The nearest vehicular route would be in Brighton & Hove/ East Sussex County Council (Wharf Road leading to A259).

Construction vehicles will arrive/leave via this route and thus ESCC, as local highway authority, should provide comments in this respect. WSCC have commented on the proposals from the perspective of any impact in safety and capacity terms on the nearby publicly maintained road network within West Sussex (which would predominantly be the A259 to the west). An outline Construction Environmental Management Plan (CEMP) has been submitted. From site preparation to installation and finishing works is anticipated to take circa. 7 weeks. The access route has been identified to be from ESCC highway (A259, Wharf Road to Basin Road South). The final CEMP should outline the wider construction vehicle routes so the LHA can assess which routes within West Sussex boundary will be used and any impact on these. A Traffic Management Plan will be provided - further details should be included in the finalised CEMP. The applicant states that HGV movements are unlikely to exceed 18 one-way movements (36 two-way) per day over the construction period and will deliver a total 15,000 tonnes of rock. Details of the construction compound area, contractor parking etc would also be expected in the final CEMP.

Subject to a finalised CEMP and appropriate traffic management measures, which can be finalised by condition, the LHA would not wish to raise an objection to the proposals.

**Public Rights of Way:** The planned new footpath in Area 2 is welcomed. It is not clear from the application whether this will be a permissive path or whether an application will be made for this to be adopted as a public right of way (PROW). This should be clarified. Whilst the 545m of new footpath in Area 2 is welcome, the connectivity & public amenity value of this new path could be improved by extending it further eastwards to and beyond the boundary with Brighton & Hove City Council, (subject to the necessary planning approvals with input from BHCC). It is assumed

that the existing Public Right of Way (PROW), footpath 9So, which runs alongside Basin Road South will remain unaffected and open to path users during & after the construction of the revetments.

**Environment Agency:** No objection subject to compliance with submitted CEMP and compensatory habitat creation and biodiversity net gain proposals

**Natural England:** No objection s it considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes

**Marine Management Organisation:** Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policy 1, 13, 15, 31, 34, 36  
Shoreham Harbour Joint Area Action Plan 2019 Policy SH6, SH7, SH9, CA4  
National Planning Policy Framework (July 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**

### ***Principle***

The proposal would have substantial public benefits through the protection of residential and commercial properties (including Shoreham Sewage Pumping Station and Shoreham Power Station). There is widespread policy support for the improvement of coastal defences in this area. Both the Beachy Head to Selsey Bill and South Downs Shoreline Management Plans require the continued defence of the sea frontage through upgraded and new defences. The JAAP requires appropriate flood infrastructure to be delivered. In addition, the Shoreham Harbour Flood Risk

Management Guide (SHFRMG) gives specific support for rock revetments in this location.

The application is therefore considered to be acceptable in principle subject to consideration of the visual and environmental impacts.

### ***Visual amenity***

The proposed rock revetments will be noticeable but will be in keeping with existing rock defence elements elsewhere along the wider sea front. Due to the difference in levels from the road down to the beach, the rocks will not obscure the existing open views of the foreshore from the road. The site already contains steel sheet piling, a smaller rock revetment, redundant timber groynes and security fencing and it is not considered that the proposed works would have a harmful visual impact when viewed from the beach.

Mitigation and enhancement measures are proposed, including the creation of 0.16ha of coastal shingle vegetation to compensate for the loss of 0.07ha of vegetation due to the scheme. A new 3m wide public footpath/cyclepath is to be created along the top of the defence and redundant groyne debris is to be removed from the beach.

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

The works include a new footpath plus access steps and ramp to the beach, the precise details and location of which has yet to be determined. Subject to a condition requiring the submission of these final details, the proposal will represent an enhancement of the public right of way and will enable improved access to the beach at this location.

In highway terms, the works will generate HGV movements and a Construction Management Plan (CMP) has been submitted. West Sussex Highways has confirmed that, subject to a finalised CMP and appropriate traffic management measures, which can be finalised by condition, they would have no objection to the proposals.

### ***Flood risk***

The site lies in Flood Zone 3 and a FRA has been submitted. The purpose of the application is to improve flood defences and there are no sequentially preferable sites for the proposal as it is required in this particular location in order to offer protection from flooding and reduce flood risk. The proposal would be flood resilient and resistant, and water-compatible and safe for its lifetime. As the rock revetments would allow water to flow through them and back into the sea, it is not considered that there would be an increase in flood risk elsewhere.

The Environment Agency has no objection.

## ***Ecology and biodiversity***

The site contains coastal vegetated shingle and some will be lost as part of the defence scheme, as well as an area of shingle beach. In order to achieve biodiversity net gain, the lost vegetated shingle will be compensated for through the creation of a new area west of Carat's Cafe in Adur and in an area within Brighton and Hove.

Furthermore, a biodiversity wall will be created on an existing concrete sea defence wall in Basin Road South. It is approximately 200m in length and 4m in height and will be enhanced to provide habitats for a range of species. Enhancements include providing a range of bird boxes, bug hotels and planters.

The off site biodiversity enhancements would normally be secured by way of a legal agreement, however, a number of enhancements will be carried out on Port Authority land and Officers are discussing with the applicant how a grampian style condition could ensure the necessary mitigation works are implemented. Members will be updated at the meeting.

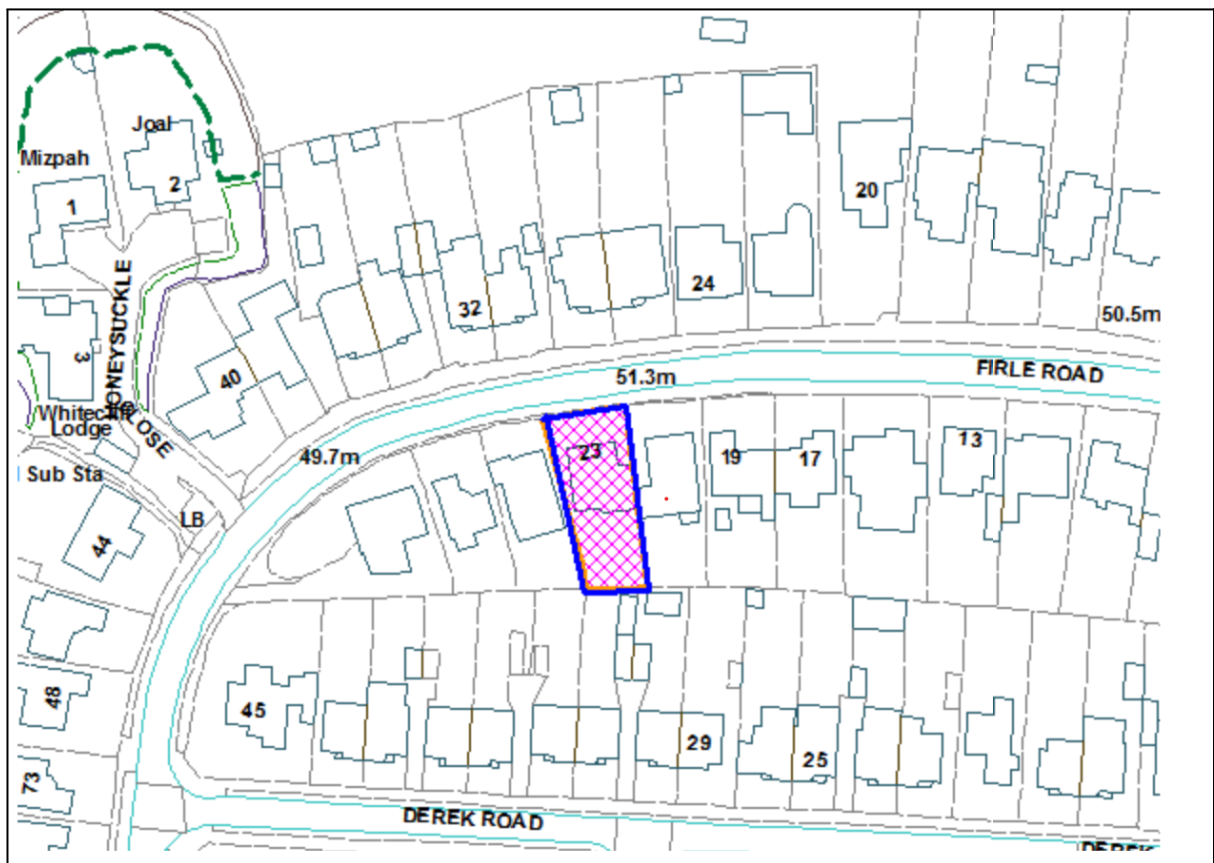
### **Recommendation**

#### **Approve**

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

1. Approved Plans
2. Standard time limit
3. Construction management plan
4. Compliance with biodiversity proposals
5. Details of footpath, access steps and ramp to be submitted and approved

Application Number:	AWDM/0210/23	Recommendation - REFUSE
Site:	23 Firle Road, Lancing, West Sussex	
Proposal:	Hip to gable roof extensions, front dormer, roof extension over part of existing rear hipped roof projection, ground floor side and rear extension balcony with steps on rear elevation.	
Applicant:	Ms Jacqui Selby	Ward: Manor
Agent:	None	
Case Officer:	Hannah Barker	



**Not to Scale**

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## **Proposal, Site and Surroundings**

The application site is a detached, hipped roof bungalow within a street of mainly bungalows of various design in north Lancing. Located on the south side of the road the ground level slopes down significantly from north to south. As existing there is a flat roof garage attached to the side of the bungalow, set back which wraps around to the rear creating a rear flat roof extension which is clad with wood. This is attached to a brick and tile hipped roof projection which extends to the same depth. Due to the change in ground levels there are steps leading from the flat roof extension to the garden. There is also a detached flat roof shed building adjacent to the eastern boundary in the rear garden.

Previously permission was sought under AWDM/1754/22 for hip to gable roof extensions to give a full gabled roof to the bungalow with a pitched roof front dormer and roof lights. A flat roof rear dormer which extends to form a roof extension was also proposed above the existing rear extension. The side and rear existing flat roof addition and garage were to be rebuilt with a slight set in from the side boundary and increased depth to the rear. Also proposed was a rear raised platform with glazed balustrade accessed from the rear extension with steps to the side leading down onto the garden level.

This application was withdrawn following Officer's advice that the application could not be supported. It was considered that the rear roof extension formed a first floor addition to the bungalow. It did not represent a dormer as it extended beyond the rear wall of the original bungalow. It was considered to be overly large, out of character and scale with the existing building and represented overdevelopment which would give rise to a harmful precedent in this case. The hip to gable extension, front dormer, single storey rear and side extensions and rear raised platform were considered to be acceptable in this case.

The current application is a resubmission of the previous application. The description and plans remain unchanged. The application has been called in by Cllr Carson Albury - the recommendation and advice remains the same as previously given.

**Lancing Parish Council:** It was resolved that there are no objections to this application.

## **Representations**

None received

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policy 15

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

National Planning Policy Framework (July 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**

### ***Principle***

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the existing building and surrounding locality in terms of visual amenity.

### ***Visual amenity***

The hip to gable roof extension and front dormer are additions that can be supported in this case. There is much variation within the street scene with bungalows of various design and extensions and alterations have occurred over time. The front dormer is small and does not over dominate the building or roof slope. Many front dormers are visible within the street scene.

The side and rear extensions in general replace an existing extension to provide a more in keeping development with materials to match existing. The slight enlargement to the rear does not result in an overly large footprint or scale of development. The rear balcony/platform with steps to the garden is a practical solution to the change in levels and has no adverse impact in this case.

The rear roof extension appears as a large flat roof dormer which straddles the ground floor rear extension. It would give rise to an overly large and bulky addition which would be unsightly with a mass of flat roof which is significantly disproportionate to the scale of the existing bungalow. While roof extensions are commonplace in the locality, and there are a number of quite large dormer windows to the rear of properties (the vast majority of which would have been constructed under permitted development rights) they are largely contained to the roof space whereas this dormer would project beyond an existing extension. While a reduced proposal could be considered acceptable, as proposed it is considered that the proposal represents overdevelopment and therefore cannot therefore be supported.

### ***Residential amenity***

The proposed works do not give rise to any significant loss of light, privacy or overbearing impact which would warrant a refusal in this case. The garage to the east screens much of the ground floor extension and the rear balcony and this neighbouring bungalow projects further to the rear. To the west there may be some overshadowing as a result of the rear first floor extension yet due to the line of the



bungalows in relation to one another this is not considered to be such to warrant a refusal in this case. Conditions could be attached as necessary to obscure side gable windows.

### **Recommendation**

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

1. The proposed first floor rear extension due to its height, bulk, scale and design will result in an incongruous and unsympathetic form of development which will be detrimental to the character and amenities of the local environment. It would set a precedent for further development which would cumulatively have a severely harmful impact thereby conflicting with policy 15 of the Adur Local Plan.

5 June 2023

### **Local Government Act 1972**

#### **Background Papers:**

As referred to in individual application reports

#### **Contact Officers:**

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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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