



ADUR DISTRICT
C O U N C I L

23 February 2024

Adur Planning Committee	
Date:	4 March 2024
Time:	6.30 pm
Venue:	QEII Room, Shoreham Centre, Shoreham-by-Sea

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 before **midday on Friday 1 March 2024**.

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 28 February 2024**.

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. 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 28 February** to Democratic Services, 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 **5 February 2024**, 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 - 70)

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

8. Sustainable Energy Supplementary Planning Document (Pages 71 - 100)

To consider a report by the Director for Place, attached as item 8.

9. Appeal Decision (Pages 101 - 108)

An Officer update on an appeal decision.

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 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 katy.mcmullan@adur-worthing.gov.uk	David Jones Lawyer 01903 221093 david.jones@adur-worthing.gov.uk

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.

This page is intentionally left blank



ADUR DISTRICT
COUNCIL

Planning Committee
4 March 2024

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Place

Planning Applications

1

Application Number: AWDM/0970/23 Recommendation – APPROVE

Site: 42 Brighton Road, Lancing

Proposal: Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of first floor balconies to front elevation, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room

2

Application Number: AWDM/0163/24 Recommendation – APPROVE

Site: 42 Brighton Road, Lancing

Proposal: Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed landscaping scheme

3

Application Number: AWDM/1683/23 Recommendation – APPROVE subject to the completion of a s106 agreement to secure Travel Plan monitoring fee of £3,500

Site: 75 Marlborough Road, Lancing Business Park, Lancing

Proposal: Demolition of existing building and construction of new building for use as production, warehousing, office and distribution facility for the Scout Association

4

Application Number: AWDM/1727/23 Recommendation – APPROVE

Site: Garage Block, 88 To 97 Daniel Close, Lancing

Proposal: Demolition of existing garages; erection of 9no. Dwellings and associated works. Application to Vary Condition 1 (plans) to previously approved AWDM/0827/22

5

Application Number: AWDM/1728/23 Recommendation – Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from the Council's Drainage consultant

Site: Garage Compound, Gravelly Crescent, Lancing

Proposal: Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent. Application to vary condition 1 (approved plans) of AWDM/2068/21

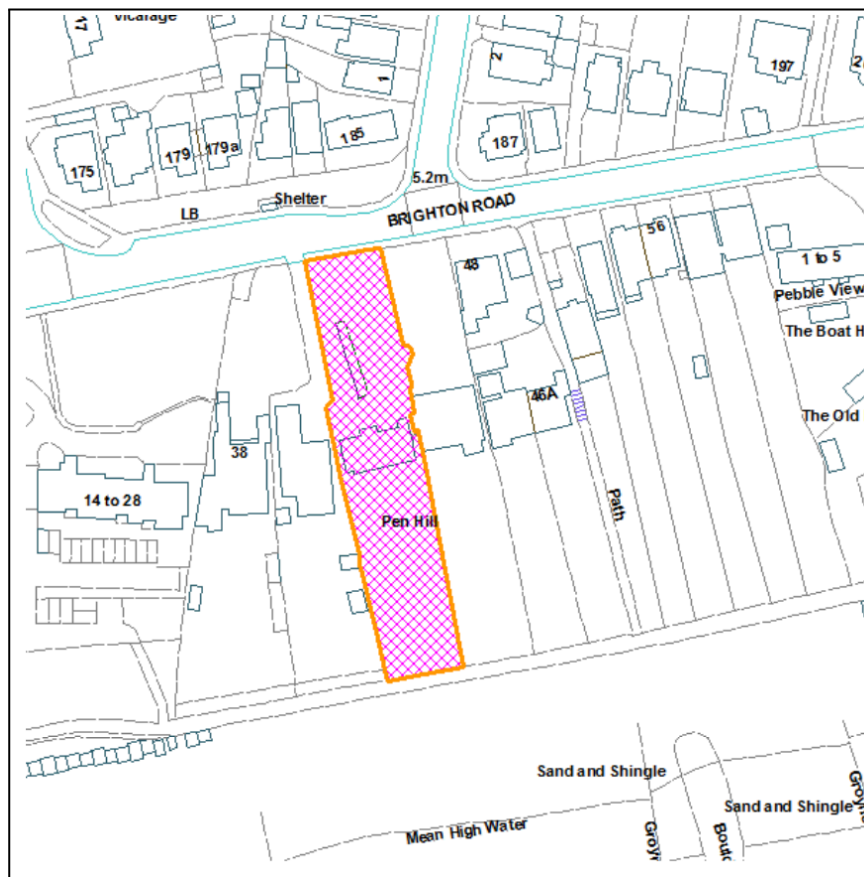
6

Application Number: AWDM/0182/24 Recommendation – REFUSE

Site: 90 Brighton Road, Lancing, West Sussex

Proposal: Alterations and extensions to building including rear dormer to form 2nd floor and sub-division of the building to create 2no. 3 storey dwelling houses. Application to Vary Condition 1 of previously approved AWDM/1041/23. Amendments: Rear balconies with privacy screens to both dwellings.

Application Number:	AWDM/0970/23	Recommendation - APPROVE
Site:	42 Brighton Road, Lancing	
Proposal:	Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of first floor balconies to front elevation, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room	
Applicant:	Mr Bernard	Ward: Widewater
Agent:	Mr Paul Smith - Domus Architecture Ltd	
Case Officer:	Peter Barnett	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

The application site is on the south side of Brighton Road backing onto the beach. Planning permission was granted in 2022 for the demolition of an original bungalow on the site and the construction of a 4-bedroom 2 storey flat roofed dwelling (when viewed from Brighton Road) with a lower ground floor at the rear, resulting in three storeys at the rear. At the rear, there was to be a raised terrace adjacent to the house with a lower garden level beyond, leading to a sunken garden room sited towards the southern end of the garden.

At the front a two storey detached garage with guest accommodation above was proposed (AWDM/0923/21). Work is well underway on the construction of the new house and garage/guest accommodation and it has become apparent that the development is not being built in accordance with the approved plans. This current application seeks approval for a number of amendments, which are set out below.

According to the planning agent, the amendments arose as a result of building the new house with a steel frame with composite concrete floor decks, which meant that the floor constructions were deeper than originally anticipated. The building could not be lowered further into the ground because of the requirements of the Flood Risk Assessment so the building has become higher by 0.85m. The garage block at the front has also been raised in height by 0.37m.

A number of other changes were identified including the provision of first floor balconies at the front of the house in place of previously approved planted areas and the addition of lightwells to the basement area. During the course of the application, the applicant has agreed to reinstate the planted areas at the front and the use of these areas as balconies is no longer proposed.



N O R T H E L E V A T I O N T O C O U R T Y A R D

The neighbouring property, No. 44, has recently undergone its own significant extension (AWDM/1941/21) and is also constructing a detached 2 bedroom dwelling in the front garden (AWDM/1394/21).

A separate application considers the landscaping and changes to the rear garden levels and is reported elsewhere on this agenda (AWDM/0163/24).

Relevant Planning History

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works - approved but not proceeded with.

AWDM/0923/21 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north - approved

AWDM/0776/22 - Application for Approval of Details Reserved by Condition 6 (Drainage) of previously approved AWDM/0923/21 - approved

AWDM/0163/24 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed landscaping scheme - under consideration

Consultations

Environment Agency: No objection subject to a condition requiring development to be carried out in accordance with FRA.

Representations

5 letters of objection received from the occupiers of 38, 40, 44, 191A Brighton Road and a planning consultant representing a resident. 2 of the objections have been re-iterated following the receipt of further information.

- Strongly object to the property being any higher
- The building is not in keeping with any properties along the road
- Strongly object to the garage with flat above being any taller as it overlooks adjoining garden and pool
- The description does not include all the changes
- Increase in height is greater than stated by applicant
- House sits significantly higher than the ridge of No.44
- Appears overly dominant and incongruous, detracting from immediate surroundings
- Front balconies are incongruous and alien features
- Rear garden sits significantly higher than that of No.44
- Question whether garden levels comply with approved plans
- A new wall is required, set 1m from the boundary with No. 44, in order to reduce overbearing impacts and to prevent overlooking
- Increase in height of house results in significant overbearing and overshadowing impacts on No.44, particularly to patio area of that property

- New balconies overlook new dwelling approved at No.44
- Increased overlooking to No.44 from raised garage with balcony
- No boundary treatment proposed between site and No. 44
- Landscaping to rear likely to lead to loss of light
- Drainage strategy not approved prior to work commencing
- Levels have not been approved by LPA
- Landscaping works not approved prior to commencement
- Concerns at increased flood risk
- Increased overlooking and loss of light
- Poor standard of care during construction by unneighbourly contractors

Relevant Planning Policies and Guidance

Adur Local Plan 2017 polices 15, 28, 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 (December 2023)

Technical Housing Standards – nationally described space standard (DCLG 2015)

Relevant Legislation

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision 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

Visual amenity

The approved plans show a contemporary dwelling which has a very different form to the neighbouring buildings, with a flat roof, 'box' form and extensive glazing. It was shown as being 0.6m taller than No. 44 but has now increased to be 1.45m higher. Its scale and design does make it stand out in its immediate surroundings but its impact is reduced by the two new buildings being constructed at the front of Nos. 42

and 44 which have more of an impact in the street scene.



In the wider context, the three storey flat roofed flats at The Haven to the west remain the dominant feature in the street scene and there is permission to build several houses in front of The Haven which will further change the street scene once built. As such, while of a significant size in comparison with its immediate neighbours, the new dwelling is not considered to cause such visual harm as to warrant refusal.

From the seafront the new house at No. 42 does appear as a large building but it is set back some distance from the seafront path and does not appear unduly overbearing for users of the path. Again, when seen in a wider context, it does not appear overly dominant.

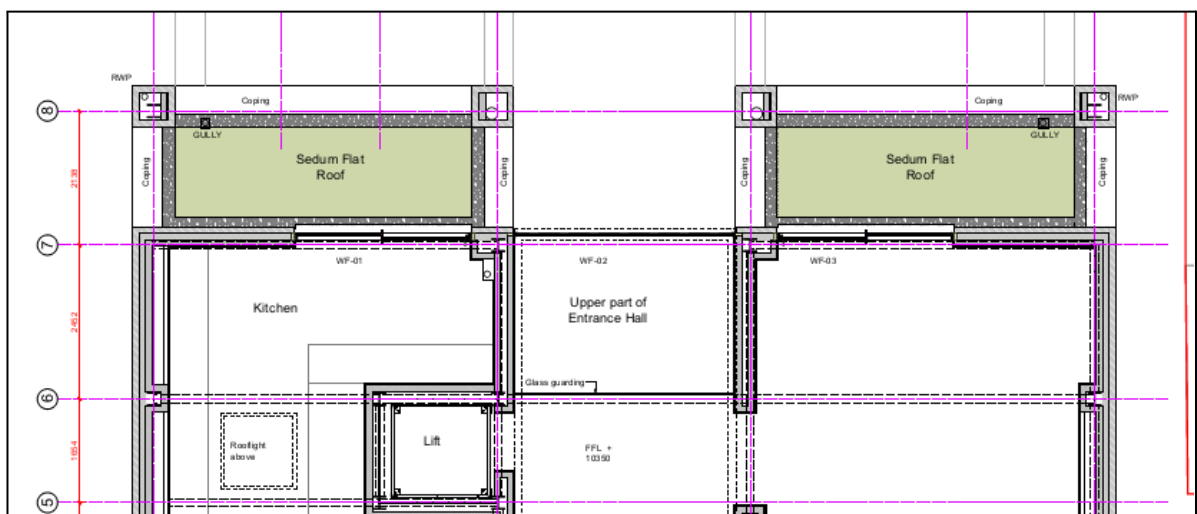


Residential amenity

The increased height of the house does result in a more imposing building but it is not considered that there is significant harm to residential amenity as a result. The extensive glazing and balconies/terraces at the rear of the property were previously approved and are not substantially higher or have a materially more harmful impact than the original plans.



The introduction of balconies to the front had the potential to overlook the new dwelling at the front of No.44 and, following advice from Officers, the plans have reverted to the original design which was a planted flat roof projection in front of lounge and kitchen at first floor level. A sedum roof is now shown for this area and this can be controlled by condition to prevent access or use of the area as a balcony.



As such, there is not considered to be harm to neighbouring amenity from these amendments. The increase in height of the garage/accommodation at the front of the site is considered to be minor and does not result in increased overlooking.

Flood risk

The Environment Agency has assessed the works as carried out and has no objection subject to compliance with the submitted FRA. The surface water drainage details have also been approved under a separate application for approval of details reserved by condition.

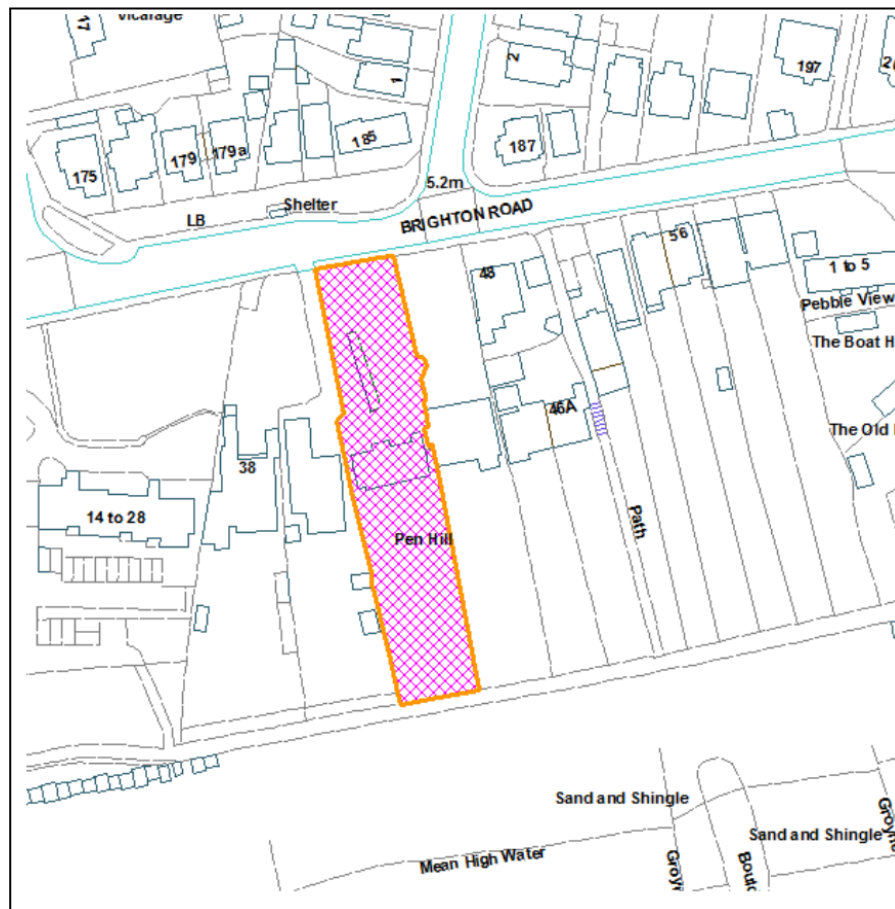
Recommendation

APPROVE subject to the following conditions:

1. Approved Plans
2. Car parking to be provided
3. Cycle parking to be provided
4. EV charging to be provided
5. Drainage scheme to be implemented as approved
6. Construction Management Plan to be adhered to at all times
7. To be constructed in compliance with Flood Risk Assessment
8. Removal of PD Class A, AA, B
9. Balcony screens to be installed prior to first use
10. Obscure glaze side windows
11. Landscaping to be completed
12. Noise assessment for guest accommodation to be completed prior to occupation
13. To be carried out in accordance with previously approved energy statement and water efficiency statement
14. Garage and guest accommodation to be used ancillary to dwelling
15. No access to planted flat roof areas at first floor at front of dwelling at any time other than for maintenance

This page is intentionally left blank

Application Number:	AWDM/0163/24	Recommendation - APPROVE
Site:	42 Brighton Road, Lancing	
Proposal:	Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Inclusion of a trellis/privacy screen along the area of terrace next to the sunken seating as part of proposed landscaping scheme	
Applicant:	Mr Mario Bernard	Ward: Widewater
Agent:	Domus Architecture Ltd	
Case Officer:	Peter Barnett	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

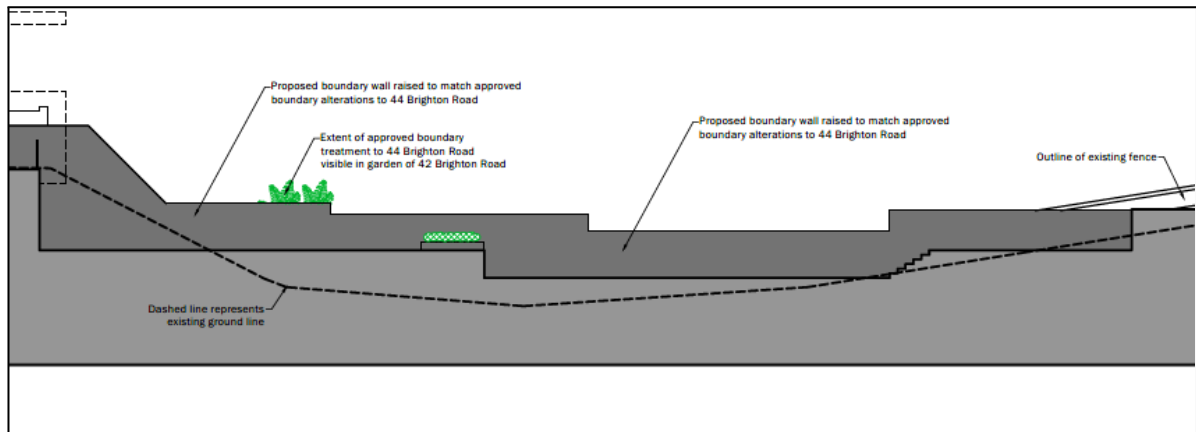
The application site is on the south side of Brighton Road backing onto the beach. Planning permission was granted in 2022 for the demolition of an original bungalow on the site and the construction of a 4-bedroom 2 storey flat roofed dwelling (when viewed from Brighton Road) with a lower ground floor at the rear, resulting in three storeys at the rear. At the rear, there was to be a raised terrace adjacent to the house with a lower garden level beyond, leading to a sunken garden room sited towards the southern end of the garden. At the front a two storey detached garage with guest accommodation above was proposed (AWDM/0923/21). Work is well underway on the construction of the new house and garage/guest accommodation and it has become apparent that the development is not being built in accordance with the approved plans. A separate application considers the amendments to the house and garage only and is reported elsewhere on this agenda (AWDM/0970/23).

This current application seeks approval for the landscaping only.

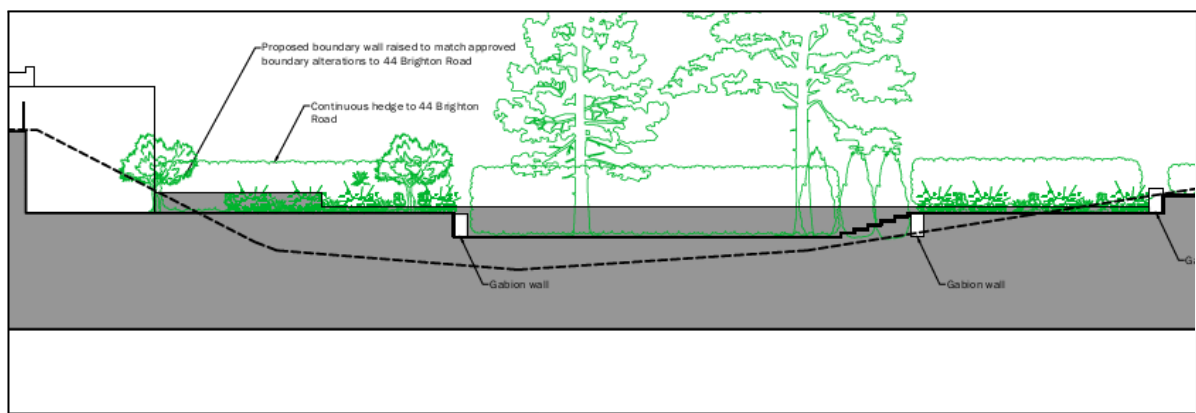
The most significant impact from the approved plans is from the increased level of the rear garden. The approved plans under AWDM/0923/21 did indicate that the levels were to be altered as there had previously been a steep drop in ground level at the rear before it rose up again towards the beach. While an indicative line showing the new level was included on the approved plans, the planning permission also included a condition which stated:

“There shall be no alteration to ground levels within the site unless and until details have been submitted to and approved in writing by the local planning authority. These details shall include proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed levels to existing. Any such works shall be carried out in accordance with the agreed details and completed prior to occupation of the dwelling or in accordance with an implementation programme approved in writing by the Local Planning Authority.”

The works that have been carried out were done so without the submission of further details and originally appeared to be far more extensive than originally shown. The images below show the proposed garden levels relative to the boundary wall with 44 Brighton Road to the east. The approved plans suggested that the garden level at No. 42 would sit between 1.3m - 1.7m lower than the top of the wall on the boundary with No.44. However, the wall at No.44 was not built to the height shown on the original plans and, as a consequence, as constructed, the garden level is almost at the top of the wall, allowing clear views down onto the rear garden and pool at No. 44.



As constructed



The approved plans were misleading and gave the impression that there would not be significant overlooking of the neighbours' garden. In this respect the approved drawing included a note that the boundary screen would be at the same height as the neighbours when in fact as indicated on the current cross section it is a lot lower. In cases such as this where there is a significant change in levels a planning condition was imposed requiring details of levels to be submitted prior to the commencement of development on site but this condition was not discharged prior to the rear terrace being formed.

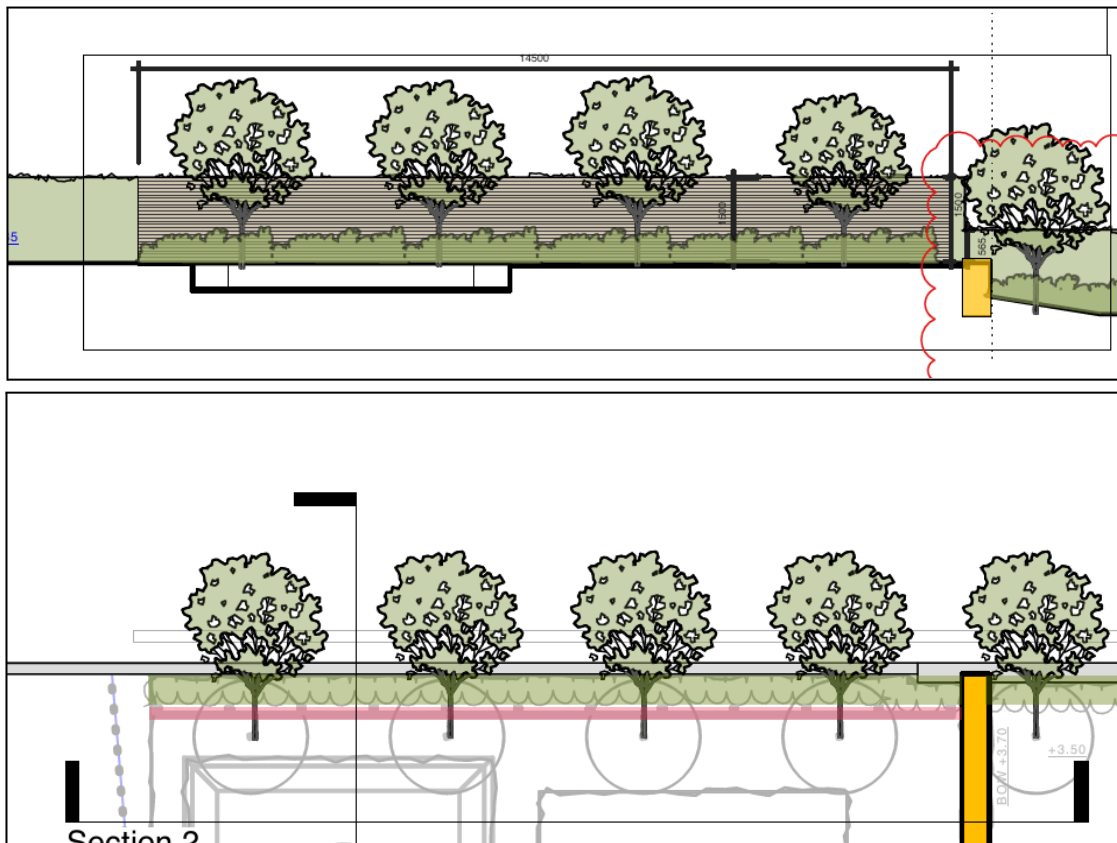
Unfortunately, the impact on the neighbouring property to the east is far more significant than originally anticipated. The garden levels have been raised as indicated on the originally approved plans and are not higher as first thought (albeit the relevant levels condition was not discharged).

The photographs below show the raised garden levels in relation to the neighbouring property.



Clearly, this has resulted in an unacceptable situation in respect of overlooking and discussions have taken place with the applicant and their planning agent to seek some form of amendment to mitigate the impact on the occupiers of No. 44. The current application has therefore introduced a 0.7m wide strip of hedge planting adjacent to the boundary for a length of approximately 15m with a 1.5m high vertical timber trellis.

AWDM/0163/24



Relevant Planning History

AWDM/1288/20 - Demolition of existing bungalow and construction of 2 detached 4 bedroom dwellings over 3 storeys each with detached garages and associated landscaping works - approved but not proceeded with.

AWDM/0923/21 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north - approved

AWDM/0776/22 - Application for Approval of Details Reserved by Condition 6 (Drainage) of previously approved AWDM/0923/21 - approved

AWDM/0970/23 - Demolition of existing dwelling and construction of a 4-bedroom detached dwelling over 3 levels with rear terrace and associated works. New outbuilding with raised terrace to the south. New detached garage with guest bedroom over and cycle store to the north. Application to Vary Condition 1 (approved plans) of previously approved AWDM/0923/21. Amendments: Increase in height of house by 0.85m, addition of first floor balconies to front elevation, addition of lightwells to front. Increase in height to garage block by 0.37m; addition of cladding to garden room - under consideration

Consultations

Drainage consultant: We request further information on the proposed drainage strategy for the new plans. The applicant should provide a new drainage strategy drawing for the proposed changes. Therefore, we would recommend the objection of the application until further information is received that addresses the above point.

Lancing Parish Council: To be reported

Representations

The following representations were submitted in connection with application AWDM/0970/23, considered elsewhere in the agenda, but relate to the rising of ground levels. Any additional representations on this application and the latest landscaping scheme will be reported verbally at the meeting.

- Rear garden sits significantly higher than that of No.44
- Question whether garden levels comply with approved plans
- A new wall is required, set 1m from the boundary with No. 44, in order to reduce overbearing impacts and to prevent overlooking
- Increase in height of house results in significant overbearing and overshadowing impacts on No.44, particularly to patio area of that property
- No boundary treatment proposed between site and No. 44
- Landscaping to rear likely to lead to loss of light
- Drainage strategy not approved prior to work commencing

- Levels have not been approved by LPA
- Landscaping works not approved prior to commencement
- Concerns at increased flood risk

Relevant Planning Policies and Guidance

Adur Local Plan 2017 polices 15, 30, 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework (December 2023)

Relevant Legislation

The Committee may grant planning permission for development carried out before the date of the application in accordance with Section 73A of the Town and Country Planning Act 1990 (as amended).

Save that the development will have already commenced, this is a conventional planning application, and the Committee should consider the planning circumstances existing at the time of the decision 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

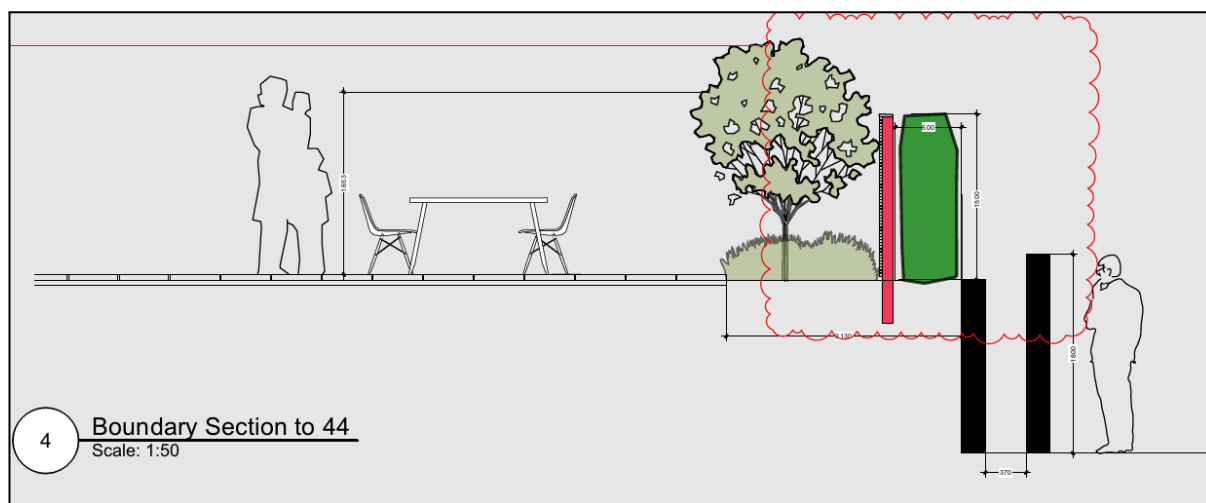
The rear garden and the changes to the ground levels has resulted in the greatest impact to neighbours, particularly the occupiers of No.44 to the east. That property underwent its own development recently which included changes to ground levels and the construction of new boundary walls. However, the changes to the rear garden level at No.42 has resulted in an increase in the height of the garden, particularly in the area adjacent to the rear of the house where it is possible to stand at almost the same height as the top of the boundary wall with clear views down onto the neighbours' patio and pool area.



The plans for the rear garden of No. 42 show a sunken seating area close to the boundary with an outdoor dining area on higher ground beyond that. There is a swimming pool on the west side of the garden. The garden then steps down to a lower central area before stepping up again to a garden room and pergola at the end of the garden.

The landscaping plans show a new hedge being planted along the boundary with a new 1.5m high trellis and then an area of landscape planting between the raised

dining area and the boundary to prevent people from standing right up to the boundary.



Hedge planting is proposed along the entire length of the boundary with both No. 44 and No. 40 and the landscaping scheme overall has been designed to prevent people from getting too close to this boundary.

At the front, a new hedge is shown being planted on the boundary with No. 44.

The concerns and objections of the adjoining residents are understandable as the raising of the garden level has resulted in significant overlooking. However, the comprehensive landscaping scheme proposed, including new hedge planting and trellis, is considered to provide suitable mitigation to reduce the impact of the ground level rise and to safeguard the privacy and amenities of the neighbouring occupiers.

Views towards the neighbouring garden will still be possible from the rear balconies of the new house but there is mutual overlooking between the dwellings from balconies on both Nos 42 and 44. Views are also possible from the beach path to the south.

It should also be remembered that the original ground level was also high at the point nearest to the rear of the house and would have resulted in overlooking at that time, albeit it was heavily planted with shrubs.

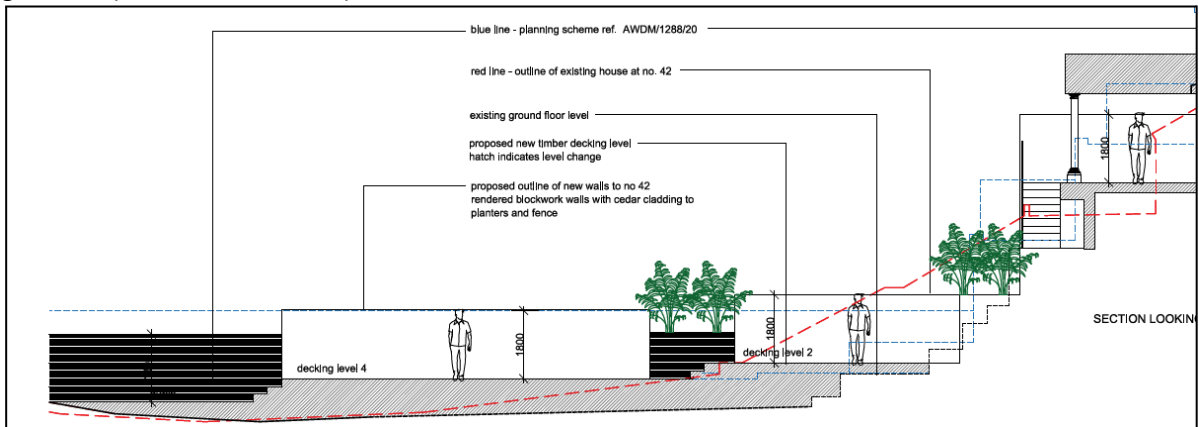


There were also clear views across to the neighbouring garden due to the lack of solid boundary fence.





The neighbouring property, No. 44, has recently undergone its own significant extension and changes to garden levels with stepped terraces introduced (AWDM/1941/21) and is also constructing a detached 2 bedroom dwelling in the front garden (AWDM/1394/21).



Overall, while a significant change, the change in ground levels has already been approved (in principle) under AWDM/0923/21 and this application seeks only to mitigate the impact from the changes in levels (and effectively discharge the levels condition). The proposed landscaping scheme is considered to be a reasonable and effective solution which will help to safeguard neighbouring amenity.

Flood Risk and Drainage

The Environment Agency has assessed the works as carried out and has no objection subject to compliance with the previously approved FRA. The objection from the Council's drainage consultant is noted. However, the surface water drainage details have been approved under a separate application for approval of details reserved by condition (AWDM/0776/22). As explained in the report above,

there has been no change to the approved levels since the original application and a new drainage strategy is therefore not required.

Recommendation

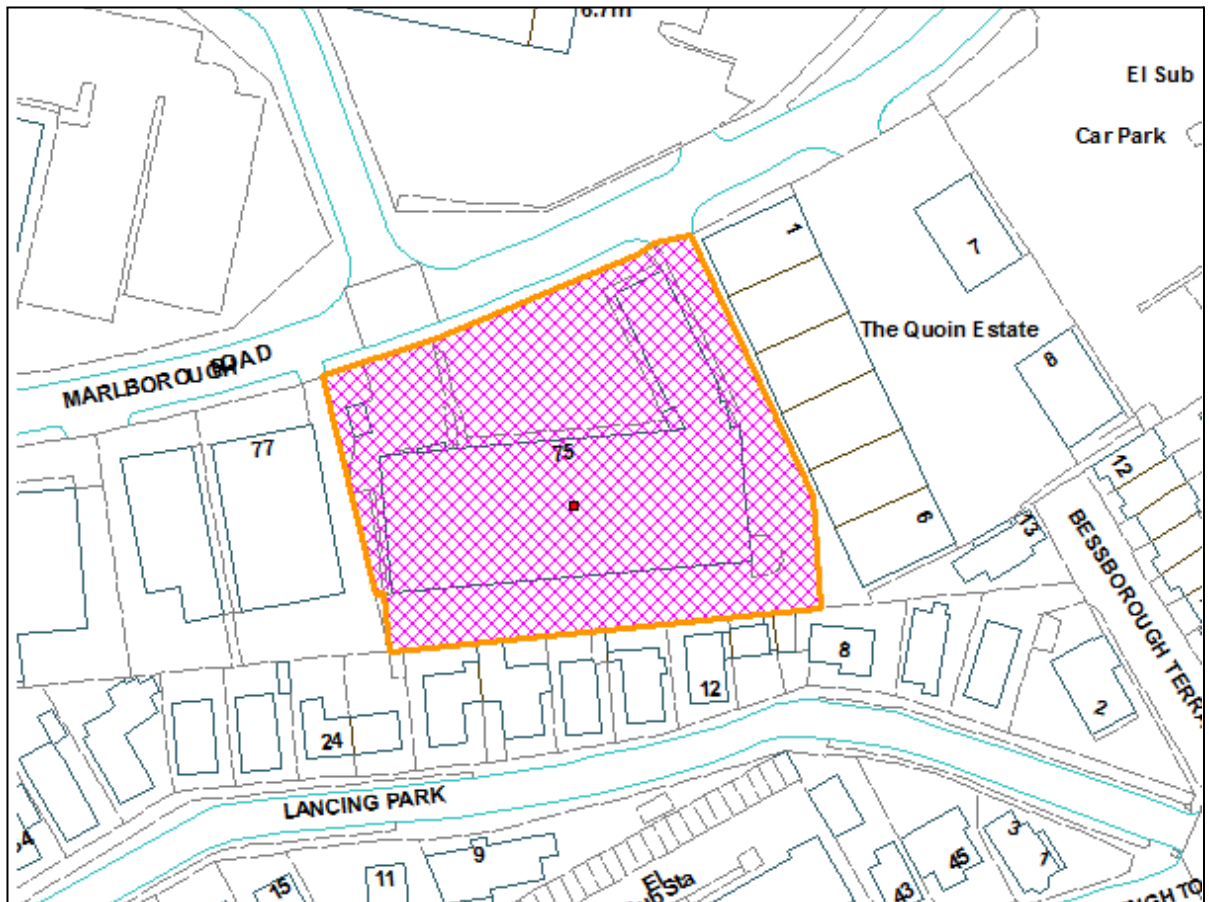
Approve

Subject to conditions:-

1. Approved Plans
2. Car parking to be provided
3. Cycle parking to be provided
4. EV charging to be provided
5. Drainage scheme to be implemented as approved
6. Construction Management Plan to be adhered to at all times
7. To be constructed in compliance with Flood Risk Assessment
8. Removal of PD Class A, AA, B
9. Balcony screens to be installed prior to first use
10. Obscure glaze side windows
11. Landscaping and fencing to be completed prior to occupation
12. Noise assessment for guest accommodation to be completed prior to occupation
13. To be carried out in accordance with previously approved energy statement and water efficiency statement
14. Garage and guest accommodation to be used ancillary to dwelling
15. No access to planted flat roof areas at first floor at front of dwelling at any time other than for maintenance

This page is intentionally left blank

Application Number:	AWDM/1683/23	Recommendation - APPROVE subject to the completion of a s106 agreement to secure Travel Plan monitoring fee of £3,500
Site:	75 Marlborough Road, Lancing Business Park, Lancing	
Proposal:	Demolition of existing building and construction of new building for use as production, warehousing, office and distribution facility for the Scout Association	
Applicant:	The Scout Association	Ward: Churchill
Agent:	Lewis and Co Planning SE Ltd	
Case Officer:	Peter Barnett	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

The site comprises an existing building set back from Marlborough Road with a three storey wing on the east side which projects at the front up to the road. There is a second three storey element on the west side of the building which is in line with the main building. There is a delivery area at the front on the west side and car parking at the rear.

The site is located within the Lancing Business Park and backs onto dwellings in Lancing Park to the south. It is used by the Scout Association as a warehouse and offices.

It is proposed to demolish the existing building and to redevelop the site by constructing a replacement two storey building to provide more warehousing space and reduced office space. It will also consolidate activity into one building rather than being spread across several buildings as existing.

The new building will be a single, regular-shaped building across the site and will be clad in aluminium panels. The building will have a different orientation compared to existing, being more parallel to and coming closer to Marlborough Road overall. The rotation of the building will bring the building closer to the dwellings in Lancing Park at its western end but further away at its eastern end. car parking is to be removed from the rear and provided at the front of the site. The rear will be landscaped.

It will have a parapet height of 10.36m which is required in order to provide adequate warehousing storage clearance. There will be a line of offices and meeting rooms on the first floor at the front of the building. Deliveries will be similar to existing, towards the west side of the building. The building will provide 2489m² gross external floor area (2339m² internal). This is a slight reduction compared to existing (2404m² internal).

The application is supported by a Planning Statement, Design & Access Statement, Transport Statement, Noise Impact Assessment, Statement of Community Involvement, Socio-Economic Impact report, Flood Risk and Drainage Report, BREEAM assessment, Arboricultural Assessment and Ecological Appraisal.

Relevant Planning History

Various permissions for extensions and alterations over the years

Consultations

West Sussex County Council: Highways: First Response: Whilst no objection is raised in principle a Travel Plan has not been submitted for approval in line with NPPF guidance on promoting sustainable travel. Please can the applicant provide a Travel Plan for approval.

Proposal

The improvements will create a modern sustainable building to provide B8 storage & distribution, a production and package facility, and associated office space. The

overall square footage of the site will decrease by 91sqm, from 2,404 sqm to 2,313sqm, however the number of employees will increase from 40 to 90, an increase of 50 staff) however; these are already located on the business park and as such the only additional increase in trips to the site will be from the relocated Littlehampton office, where 5 employees currently work.

In summary the trip impact from staff will only increase by 5 employees which is not considered significant.

Location and Site Access

The site provides two existing access points onto the public highway, and these will not be altered in any way. The western access will continue to serve as a loading bay, providing space for two HGV's. The eastern access will continue to serve the car park; however, this will be relocated to the front of the building and offer 15 spaces, a reduction in 8 spaces. It will also include 2 disabled parking spaces which is in line with Manual for streets guidance for at least 5% of all spaces to be allocated for disabled use.

Whilst both access points will remain unchanged, the newly created car park access will need to create good visibility and any planting within the visibility splays here should be kept below 0.6m.

Car Parking, Cycling and Loading

The new building will support cyclists by providing suitable storage facilities which are covered and secure, and the inclusion of showers and changing facilities will help to promote this as a way of commuting throughout the year rather than just in the summer months. The proposed cycle storage facilities will cater for 24 bicycles, this is double the current parking guidance of at least 12 bicycles. Given the site will be able to support this form of travel going forward the applicant should also ensure there is space within the area allocated for bicycle storage for expansion should more spaces be required.

WSCC car parking guidance has been consulted and the expected parking demand for the site based on these standards are 1 space per 100sqm which equates to 23 spaces. Whilst the new proposals only provided 15 spaces, first principles data using modal split, suggests a high use of sustainable travel modes amongst staff.

As such the applicant's proposals to use the additional parking spaces within the Marlborough Road car park can be considered as alternative means of parking at busier times or as/when overflow parking is required.

Given the applicants commitment to provide a Travel Plan and promote sustainable transport; and discounts to staff through the easitNETWORK, the number of parking spaces on site and within the business park itself is considered acceptable.

Travel Plan

Whilst the applicant appears committed to promoting sustainable transport a Travel Plan has not been submitted with this planning application. Please provide a plan, or at the very least a framework plan.

WSCC require a travel plan monitoring fee of £3,500 to cover the costs of monitoring

the plan over the 5-year period and should be secured via a s106 or unilateral undertaking whichever is preferred.

The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data, and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to be proportionate and reflective of the costs incurred. Please provide at your earliest convenience to the LPA for review.

Trips

The use of first principles data and TRICS data has been used to provide a picture of the existing and proposed trip impacts the site will create.

Data provided by the scout association suggests the number of trips made by staff once the site has been completed could be in the region of 121 vehicle movements per day. However, as the staff are already on site (albeit in different offices) the actual increase in trips to the site will be from the 5 staff moving from the office in Littlehampton. As such this increase will be insignificant.

With regards to deliveries the site currently receives up to 20 deliveries per day, but the creation of one main site will half this number.

Therefore, the current number of trips based on first principles could be up to 141 trips per day.

TRICS data for B8 use has been considered and suggests 125 daily movements, this includes both deliveries, staff, and customers, as such it would seem the TRICS data is slightly lower than the first principles approach. Nevertheless, the overall trip impact of the site will be one which is better than the current situation due to the reduction in the number of deliveries. As such WSCC are satisfied there will not be any material capacity impacts from this proposal.

Construction Management Plan

A Construction Management Plan would be required for the demolition and clearance of the site. This can be conditioned.

Second Response:

Car Parking:

WSCC must base any decision on the merits of the planning application put forward. The information provided to us suggests there will be a minimal impact on the use of the Marlborough Road car park, and the applicants will be implementing travel plan measures which will be monitored by WSCC as part of TRICS SAM surveys. As such we are satisfied the car park provision will accommodate expected demand with some use of the Marlborough Road car park as an overflow option. This is considered acceptable.

Travel Plan:

The submitted travel plan by Reeves Transport Planning has been reviewed by WSCC and is accepted. This is a live working document and will be updated on a regular basis, and surveys undertaken and shared with WSCC at key time points.

A s106 agreement should be entered into and a fee of £3,500 provided.

The Travel Plan auditing fees reflect the amount of local authority officer time required to evaluate the initial plan, assess the monitoring data and participate in on-going review and agreement to any amended plans in the future, including post planning once the development is built out and occupied. The costs have been benchmarked against fees charged by other Local Authorities and are considered to be proportionate and reflective of the costs incurred.

Local Lead Flood Authority: First Response: We are concerned that the submitted Flood Risk Assessment and Surface and Foul Water Drainage Strategy (Haworth McCall Consulting, October 2023) has not provided an agreement in principle from Southern Water to discharge surface water into the nearby surface water sewer. We would also expect the application to consider flood resilience and resistance for the proposed development, fully demonstrate the exceedance flow routes and consideration of above ground SuDS to provide biodiversity and amenity benefits.

We object to this planning application in the absence of an acceptable Drainage Strategy relating to:

- The application is not in accordance with NPPF paragraph 167, PPG Flood risk and coastal change & Policy 15 in the Worthing Adopted Core Strategy April 2011

Second Response following submission of further information from the applicants: No objection subject to conditions.

Adur & Worthing Councils: Public Health: A Noise Impact Assessment (Ref:J3713, dated:20/10/23) was submitted in support of the ASHP located on the eastern facade of the proposed development. I am satisfied that the monitoring undertaken has demonstrated that the ASHP will not cause a nuisance to the closest receptor, under the parameters it was tested within. In Section 7 of the report it states, "Whilst the noise model assumed a 2.5m high wall surrounding the units, the final design is still being considered". Therefore following the installation of the ASHP post-installation noise monitoring shall be undertaken by the applicant and shall be submitted to the Local Planning Authority to ensure that chosen enclosure is sufficient in preventing a loss of residential amenity.

Recommends conditions relating to hours of construction, Construction Management Plan and contamination.

Southern Water: Requires details of foul sewerage and surface water disposal by condition

Lancing Parish Council: No comments received

Representations

Objection received from Lancing Business Park:

- Inadequate parking
- Additional staff will be using the new building - many are currently based at The Quadrant which provided car parking which will no longer be available to Scout Association staff
- Limited parking on the Business Park generally
- Proposal will have a detrimental impact on parking for the scout association, other businesses and residents surrounding the park

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 4, 9, 15, 18, 19, 25, 28, 30, 31, 34, 36
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 (December 2023)

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 site lies within the Lancing Business Park which is protected for employment use by Policy 25 of the Adur Local Plan. The upgrading of existing employment sites and buildings is also supported by the policy.

There are currently 35 jobs provided at the existing building with 55 jobs created at the applicant's other site on the Business Park at The Quadrant plus a further 5 in Littlehampton. The new building will provide 95 jobs once these sites have been brought together. While the floor area will be reduced compared to existing, the new building will have a more efficient use of space and a better layout.

There is no objection to the principle of the redevelopment therefore, subject to consideration of the impacts on visual and neighbour amenity and on parking and access at the site and the wider Business Park.

Visual amenity

The new building will be taller than the existing (10.36m compared with 9.74m). However, its height is consistent with other buildings on the Business Park and it is not considered to be excessive. The demolition of the existing building and its replacement with a single building of a regular design and form is considered to be beneficial to the visual amenity of the locality. Its reorientation brings part of the building further away from the road while bringing the western end nearer. However, the overall effect is a more acceptable relationship with the street and an improved design with two contrasting cladding materials at ground and first floor and better rhythm of window openings.

There will be a loss of grassed area to the front as a result of the reorientation and new car parking area, which will have some visual impact. This will be compensated for at the rear although this will not be visible from the street. However, overall, the proposal is considered to result in an improvement in visual terms compared to existing.

Residential amenity - effect on existing dwellings

The existing building is separated from the dwellings in Lancing Park to the south by the car parking area, leaving a gap of approximately 9m to the boundary and around 14m to the rear of the dwellings.

The building at that point is 4.75m high to the eaves before rising to the taller three storey height approximately 9m further back.

The proposal will reorientate the built form so that it moves closer to the southern boundary at the western end nearest to 18-20 Lancing Park, but further away from Lancing Park at its eastern end. At its closest point it will be only 3.4m from the boundary from No. 20. It will be taller and bulkier too, being 10.2m high with a flat vertical wall with no relief or set back elements. In order to improve the relationship with Lancing Park slightly, the plans have been amended by the applicant to reduce the parapet height on the south elevation to 9.3m.

Ordinarily, the siting of a taller building closer to the boundary with residential properties would be a cause for concern. However, in this case the properties in Lancing Park have very small rear gardens with little or no outlook currently. The moving of the building closer is therefore not likely to have a significant impact. Furthermore, there is only a single first floor window on the rear elevation of each dwelling which appears to be obscurely glazed and serves a bathroom, rather than a habitable room. The site is to the north of Lancing Park so there will be no loss of sunlight. The proposed development will also remove car parking from immediately behind the boundary fence.

Taken together, all of these factors are considered to be sufficient to demonstrate that there will not be any significant harm to the existing residents in Lancing Park.

Accessibility and parking

It is proposed to provide 15no. staff and visitor car parking spaces plus 24no. cycle parking spaces, plus changing areas and showers for staff. At present there are 23no. car parking spaces located at the rear. Access to them is difficult and there is limited manoeuvring space.

The Transport Statement submitted with the application states that over winter months there is roughly a 50-50 split between car and non-car users visiting the site while in the summer the number of car users drops to around 10% due to an increase in use of non-car modes of transport such as walking and cycling.

On a typical day parking demand is around 30-35 cars and overspill parking is accommodated in the Marlborough Road car park close to the site to the east. The proposal will see an increase in the number of people at the site (up to 95). The WSCC Guidance on Parking at New Developments advises that 23 parking spaces would be required for a development of this size and the 15 proposed therefore represents a shortfall. Objections have been raised by the Lancing Business Park about the lack of parking and the applicants were asked to provide more information by WSCC Highways to support their case.

A draft Travel Plan has subsequently been submitted, which sets out the aims to reduce car use and to increase sustainable methods of transport to the site. The applicants have stressed that they are ultimately looking to achieve 'net zero' and sustainable transport will help with these aims. The site is close to bus stops and the railway station. Cycle parking and showering facilities will encourage staff to use non-car modes of transport. Further information about parking demand has also been provided. The Managing Director of the two sites on the business park has kept records of the number of staff on the sites every day. The data also records the number of staff who have driven to work. The data suggests that all of the parking demand could be accommodated on the site and there would generally be no need to use the Marlborough Road car park.

The Highway Authority has considered the information submitted and is satisfied that the car park provision will accommodate expected demand with some use of the Marlborough Road car park as an overflow option. The Travel Plan is also accepted. They have not raised an objection on highway grounds therefore.

Flood risk and drainage

The applicants have submitted a Flood Risk Assessment and Surface and Foul Water Drainage Strategy which explains that it is proposed to discharge surface water runoff to a nearby surface water sewer, using an existing off site connection as full infiltration is not possible due to the ground conditions. Runoff is to be attenuated by a tank to be installed under the car parking area.

The LLFA has objected to this approach as there is no agreement in principle from Southern Water to discharge surface water into the nearby surface water sewer. They have also asked for the applicant to consider above ground SuDS to provide biodiversity and amenity benefits.

A revised FRA has since been submitted which incorporates interception storage in permeable paving and a bioretention area. This is a shallow landscaped depression which uses vegetation and soil filtration to remove pollution and reduce runoff. Connection to the sewer, which is believed to be privately-owned, will be made with a reduced peak run-off to that currently experienced following completion of the proposed development.

The site has a low level of flood risk but the FRA recommends that finished floor levels are raised 150mm above surrounding ground levels to mitigate potential risks from exceedance events.

The LLFA were reconsulted and they are satisfied that their initial objections have been adequately addressed, subject to conditions.

Sustainability

The applicants have expressed a desire to achieve net zero in the long term. This development has received a preliminary BREEAM assessment rating of Very Good. A total of 320 PV panels are proposed on the southern roofslope and an air source heat pump is also proposed at ground level on the east side of the building.

Biodiversity

The grassed area at the front of the site is to be replaced with a larger area at the rear. The supporting statement states that this represents an increase from 834m² to 1273m². Rather than mown grass the proposal will see a more biodiverse environment created. The existing site has low potential for protected species and ecological enhancement is recommended in the Preliminary Ecological Appraisal through the provision of bat and bee bricks and bird boxes. Final details can be secured by condition.

Recommendation

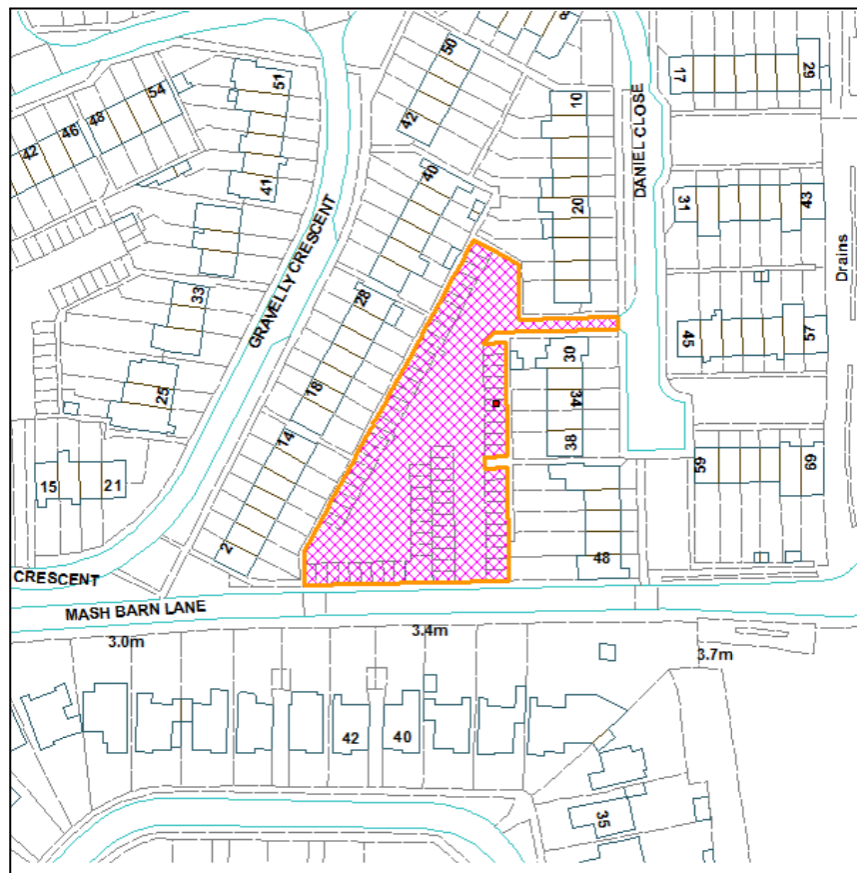
Approve

Subject to the completion of a s106 to secure Travel Plan monitoring fee of £3,500 and the following conditions:-

1. Approved Plans.
2. Time limit.
3. Ecological enhancements.
4. Landscaping.
5. Materials.
6. Parking.
7. CMP.

8. Travel Plan.
9. Hours of working.
10. Provision of energy efficiency measures.
11. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (by Hamworth McCall Consulting, Rev A, 5th January 2024) and Drawing Foul and Storm Water Drainage Plan by Hamworth McCall Consulting, Rev P02, January 2024 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.
12. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
 - I. a timetable for its implementation,
 - II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
13. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
14. Construction of the development shall not commence until details of the proposed means of foul sewerage have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.
15. Contaminated land.

Application Number:	AWDM/1727/23	Recommendation - Delegate the application to Head of Development for APPROVAL subject to confirmation with Southern Water regarding the required distance to the diverted sewer
Site:	Garage Block, 88 To 97 Daniel Close, Lancing	
Proposal:	Demolition of existing garages; erection of 9no. Dwellings and associated works. Application to Vary Condition 1 (plans) to previously approved AWDM/0827/22.	
Applicant:	Adur District Council	Ward: Mash Barn
Agent:	Ms Niki Fisher, Boutique Modern	
Case Officer:	Gary Peck	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

Planning permission was granted in December 2022 for the erection of 9 dwellings as part of the District Council's strategy for redeveloping garage sites with housing. Following the grant of permission, it has been decided to proceed with a modular form of construction. Although the general layout of the development remains the same as previously approved, with a block of 6 dwellings on the wider southern part of the site and 3 dwellings on the narrower northern section, both blocks are proposed to be re-sited just over 2 metres closer to the eastern boundaries of the site. As the blocks are very slightly larger in width than the previously proposed blocks, they would be re-sited just over 1 metre further from the western boundaries of the site than was previously the case. The blocks are not as deep as previously proposed, however, due to the omission of previously proposed porches.

In general, the design of the properties outwardly is similar to that previously approved although pv panels, which were shown only indicatively in the previous application, are now shown in their proposed location. The modular form of construction includes the use, for example, of brick slips which, it is stated, are manufactured and fired in just the same way as traditional brick but as a slip. Once applied and pointed, the exterior façade resembles a genuine brick finish appearance.

The number of parking spaces remains as previously approved. Internal access within the site is slightly altered primarily with a continuous access to the rear of the southern blocks rather than it being bisected by the two central rear gardens in the previous approval.

The application site is within the built-up area as defined by the Local Plan and is a roughly triangular plot accessed via Daniel Close with a frontage also to Mash Barn Lane. The existing garaging lines each boundary of the site as well as a block that projects centrally to the site. Although the site is not especially visible from Daniel Close, except from the access, it is become far more prominent to the south since the opening of the Brighton and Hove Albion training ground and its southern boundary mixture of rear brick walling to the garages and grey palisade is clearly visible from the eastern end of Mash Barn Lane.

The application site is surrounded to the eastern and western boundaries by 2 storey residential properties in Daniel Close and Gravelly Crescent respectively all of which are clearly visible from within the application site.

Relevant Planning History

AWDM/0827/22: Demolition of existing garages, erection of 9 dwellings and associated works granted permission in December 2022. The permission has not been implemented.

Consultations

Environment Agency

Initial comment:

In our response dated 12 September 2022 (ref: HA/2022/124314/02) we requested that the finished floor levels must be set no lower than 5.7 metres above Ordnance Datum (AOD) to allow safe refuge above design flood levels, however there are no plans showing the first floor finished floor levels for this variation of conditions request.

Upon the receipt of requested information:

We are satisfied that our previously recommended condition still applies, albeit with an additional reference to the submitted first floor plans. Therefore, we request that a condition is attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Southern Water

Southern Water has no objections to the above variation of condition 01. The developer is currently in consultation with Southern Water with regards to the sewer diversion agreement under reference DS_DOS-122073-DSA000000283. The public sewer diversion proposals need to be agreed and approved by Southern Water before commencement of works on site.

WSP (Council's Drainage Consultant)

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments. The applicant is applying to vary condition 1 (plans) of previously approved AWDM/0827/22 – the demolition of existing garages and erection of 9no. dwellings and associated works. Following a review of the submitted information, we have noted no change to drainage or flood risk and therefore would recommend the approval of the application.

UK Power Networks

We refer to the Planning Application for the above.

While we have no objections, points to note:

We may have Electrical equipment within the boundaries. And all works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. There may be underground cables on the site and prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA. Should any diversion works be necessary as a result of the development then enquiries should be made to our

Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

Environmental Health

No objection - satisfactory investigations into any potentially contaminated land have already taken place.

West Sussex County Council

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been re-consulted on the above Discharge of Condition application (AWDM/1727/23) with regards to Variation of Condition 1 (plans) to previously approved AWDM/0827/22. There are no highway safety or amenity concerns relating to the new plans submitted; therefore, WSCC would raise no objection.

West Sussex Fire and Rescue

Having viewed the plans for the planning application no. AWDM/1727/23 erection of 9no. Dwellings and associated works. Application to Vary Condition 1 (plans) to previously approved AWDM/0827/22, evidence is required to show that all points inside all dwellings 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. Evidence is also required to show suitable access and turning facility is provided for a fire appliance in accordance with AD-B Volume 1 B5 section 13.

Lancing Parish Council

Supports the application

Representations

No comments received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 - Policy 2: Spatial Strategy, Policy 3: Housing Provision, Policy 15: Quality of the Built Environment and Public Realm, Policy 18: Sustainable Design, Policy 20: Housing Mix and Quality, Policy 22: Density, Policy 28: Transport and Connectivity, Policy 30: Green Infrastructure Policy 31: Biodiversity, Policy 36: Flood Risk and Sustainable Drainage

Development Management Standard: Space Around Dwelling and Flats

National Planning Policy Framework (December 2023)

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

During the determination of the previous application, the main issues in the determination were identified as the principle of development, the effect of the proposal upon the visual character of the area and the amenities of neighbouring properties, the loss of parking and impact upon highway safety and whether concerns regarding flooding and drainage issues have been adequately addressed.

Principle of development

The Council remains actively looking at redeveloping garage sites with other similar applications, including on this site, already having been approved by the Committee. It remains as a matter of principle, that as garage sites such as this are within the built-up area as defined by the Local Plan and therefore represent brownfield sites, they are the type of site which should be considered for redevelopment. The previous permission acts as a material consideration in the determination of this application and hence the application remains acceptable in principle.

Impact on the character of the area and amenities of neighbouring residents

As stated during the determination of the previous application, while the site is not particularly prominent in the street scene from Daniel Close, as it can only be viewed through the vehicular access to it, the site is certainly more prominent from Mash Barn Lane to the south with the area being opened up since the opening of the Brighton and Hove Albion training ground. It is considered that the garage site now represents an unattractive border to Mash Barn Lane and rather detracts from the visual character of the area. The function of the eastern end of Mash Barn Lane suggests that a frontage development in this location would now be a welcome enhancement to the street scene and accordingly it is concluded that the proposal would represent a visual improvement to the character of the area.

Within the site itself, like the other garage sites in the area, it has little visual merit. The triangular nature of the site results in long unbroken blocks of garaging, most of which have clearly aged and appear somewhat rundown. The redevelopment of the site, it was previously concluded, would clearly improve the character of the area and in the absence of material change in circumstances since the previous decision was

made, there is little reason to take an alternative view regarding the revised application.

The application site is surrounded by existing housing on its eastern and western sides, the rear elevations of which face towards the single storey garages. This is not a particularly attractive view for the reasons outlined above but the introduction of largely 2 storey dwellings will clearly greatly contrast from the existing situation as a result of the application proposal and therefore, as before, the impact upon existing properties needs to be carefully considered.

Guidance in respect of distances between buildings is primarily contained within the Development Control Standard relating to the provision of flats and dwellings. This requires that usually a distance of 22m is the minimum required between facing principal windows in order to retain sufficient privacy. Because of the orientation of the site, there is no face to face relationship between the proposed and existing dwellings. The existing dwellings in Gravelly Crescent face south east across the site, while those in Daniel Close face due west. The orientation of the proposed dwellings, however, is north-south and accordingly any overlooking would be at a more oblique angle. As with the previous application, therefore, there is no concern in respect of overlooking that could justify the refusal of the application.

In terms of the side elevations, where a principal window faces a solid obstruction a distance of 11m is normally required between the window and a single storey structure or 14m between a principal window and a two storey structure, in order to allow adequate light to enter the windows. New dwellings should normally be set at least a metre away from the boundary to avoid an appearance of overdevelopment.

The southern block of dwellings is over 19 metres from the rear elevations of the properties in Daniel Close at the nearest point and over 14 metres from the nearest dwelling in Gravelly Crescent, with the westernmost dwelling of the block comprising a single storey building. As this is the widest part of the site it is felt that there is comfortable scope to provide the proposed dwellings without an adverse impact upon the adjoining properties.

The site is more constrained to the north as the site narrows and therefore as per the previous approval 3 dwellings are proposed in the northern block, compared to the 6 units in the southern block. The previous application allowed for a distance of in excess of 12 metres to the nearest dwelling in Gravelly Crescent, again with a single storey element at the western end of the building while the eastern end of the northern block was given as 13.34 metres away from the nearest dwelling to the east in Daniel Close and therefore slightly below the Council's standard.

In the current application, the properties are proposed to be relocated further to the east by just over 2 metres. This improves further the impact upon the properties in Gravelly Crescent but consequently means that the easternmost dwelling is just over 11 metres from the nearest dwelling in Daniel Close, which is below the Council's normally required separation distance. Your Officers have queried the reason for this re-siting and have been advised that a sewer currently crosses the centre of the site and will need to be diverted to adjacent to the western boundary of the application site. Ordinarily, a clearance distance of 3 metres is required from the sewer to the

nearest build development.

The guidance standard of 14 metres makes only reference to a 2 storey building but does not refer to the height of the building or its roof design. In this case, the nearest proposed dwelling has a hipped roof and a very low 30 degree pitch, reflecting the character of the existing surrounding dwellings which have similarly low pitched roofs. Since the guidance was drawn up, the presumption to redevelop brownfield sites in preference to greenfield sites has increased and with such a presumption, it is ordinarily difficult to meet such a standard in order to provide sites capable of redevelopment, especially where there are site constraints such is the case here.

Moreover, the required sewer diversion will result in an improvement to the drainage conditions to the wider surrounds in an area currently at risk of flooding. Having regard to the wider benefits of the scheme, therefore, the proposal could be accepted on the basis of the proposed siting, however your Officers have requested that the applicant discusses the required clearance distance from the diverted sewer with Southern Water. If there is any scope to re-site the dwellings slightly further to the west, then this can be considered under delegated authority.

Loss of Parking and impact on highway safety

As with the previously approved application, but unlike the other applications for redevelopment of garage sites, there have been no representations regarding the loss of garaging and the consequent impact upon parking on the area. It was previously noted that there is some parking pressure in the area, but equally few cars appear to be parked within the garage compound itself, and accordingly there would not appear to be a likelihood of significant displacement to the road. The proposed car parking provision is unchanged which was previously considered adequate for the development. Having regard to the guidance of the National Planning Policy Framework that development should only be resisted on highways grounds when the impact is severe, and that there are no material change in circumstance since permission was previously granted, it is not considered that a refusal could be justified in this instance on such grounds.

Flood Risk and Drainage

The remaining issue relates to flooding and drainage. As with the Gravelly Crescent application, elsewhere on the agenda, this issue was considered in some detail during the previous application.

The previous report set out the national policy position, which is repeated here for the Committee's reference.

The National Planning Policy Framework (NPPF) stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 160). As Members are aware the Local Plan undertook a sequential, risk based approach to the location of development which took in all sources of flood risk. However, in view of the extent of housing need and the scarcity of land the Local Plan still had to allocate land at flood risk

(New Monks Farm and Western Harbour Arm). The lack of land within the District meant that there were no sequentially preferable sites that could be allocated instead of these sites and the Plan still resulted in a shortfall of over 3,100 dwellings. As this site is not allocated for development and falls within Flood Zone 3a there is a requirement for a sequential assessment to be undertaken as well as the exception test (set out below).

The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The sequential assessment requires a review of available sites for development with a preference for sites at lower flood risk to be developed first. The applicant (Adur Homes) undertook a review of all garage sites and those identified suitable for development are being progressed for development (including this site and the other garage site at Gravelly Crescent appearing elsewhere on the agenda). As such there are no other Adur Homes sites that are capable of redevelopment in areas of reduced flood risk. Although there is scope to redevelop all or part of the Southwick Estate this land is not available as existing residents would need to be relocated and this site is likely to be progressed through the Local Plan review. In terms of other potentially sequentially preferable sites your Officers have reviewed the brownfield sites submitted as part of Strategic Housing Land Availability Assessment (SHLAA) and have resolved that the only sites that are potentially available are coming forward for development anyway given the demand for housing within the District. These windfall sites were anticipated as part of the Local Plan process and as a result there would still be a significant shortfall of housing even if all sites came forward.

In terms of the exception test, as amended, the submitted Flood Risk Assessment (FRA) demonstrates compliance with the second part of the test and no objections have been raised by the Council's Engineers, the Environment Agency or previously from the Council's Safety and Resilience Manager.

Conclusion

The redevelopment of this site has the ability to improve the character of the area and provide much needed housing in a brownfield location. Because of the constraints of the site, a scheme has had to be very carefully designed to avoid any adverse impacts upon the amenities of neighbouring properties. The need to divert the sewer that currently runs across the site has resulted in a need to re-site the dwellings. While this re-siting could be considered as acceptable in its own right, the applicant has agreed to discuss with Southern Water if there is any possibility of allowing a slight re-siting closer to the sewer, in order to provide the optimum solution for the site. Subject to the outcome of these discussions, the recommendation is to grant permission for the proposal.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

3. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

Reason: *To provide adequate on-site car parking space for the development.*

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

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

5. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: *To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.*

6. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: *To avoid undue congestion of the site and consequent obstruction to access.*

7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated 10/08/2022, v1.8, Ref: 15945/02/HOP/SUDS) and first floor plans (Ref: P133-BMH-XX-01-DR-A-0011-Preliminary-P14-Proposed FF Block Plan) and the following mitigation measures detailed therein:

- Finished first floor levels must be set no lower than 6.7 metres above Ordnance Datum (AOD) to allow safe refuge above design flood levels.

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.

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

8. 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 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.

Reason: *To ensure the site is adequately drained.*

9. 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.

Reason: *To ensure adequate maintenance and management of the surface water drainage system.*

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and reenacting that Order with or without modification), no windows or other openings shall be formed in the eastern and western walls of the approved dwellings.

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

11. No works or development shall take place until full details of all hard and soft landscaping works (including the provision of bollards protecting the triangular green space) and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with Ref: AWDM/0827/22 others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: *To ensure adequate landscaping is provided.*

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

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and reenacting that Order with or without modification), the proposed dwellings shall not be extended [or any incidental building over 5 cubic metres in volume erected within its curtilage].

Reason: *In the interests of amenity and the environment having regard to the nature of the site and policy 15 of the Adur Local Plan.*

14. The hours of construction to implement the development hereby permitted shall be limited to 0900 to 1700 hours Monday to Friday, 0900 hours to 1300 hours on Saturday and there shall be no working on Sundays or Bank/Public Holidays.

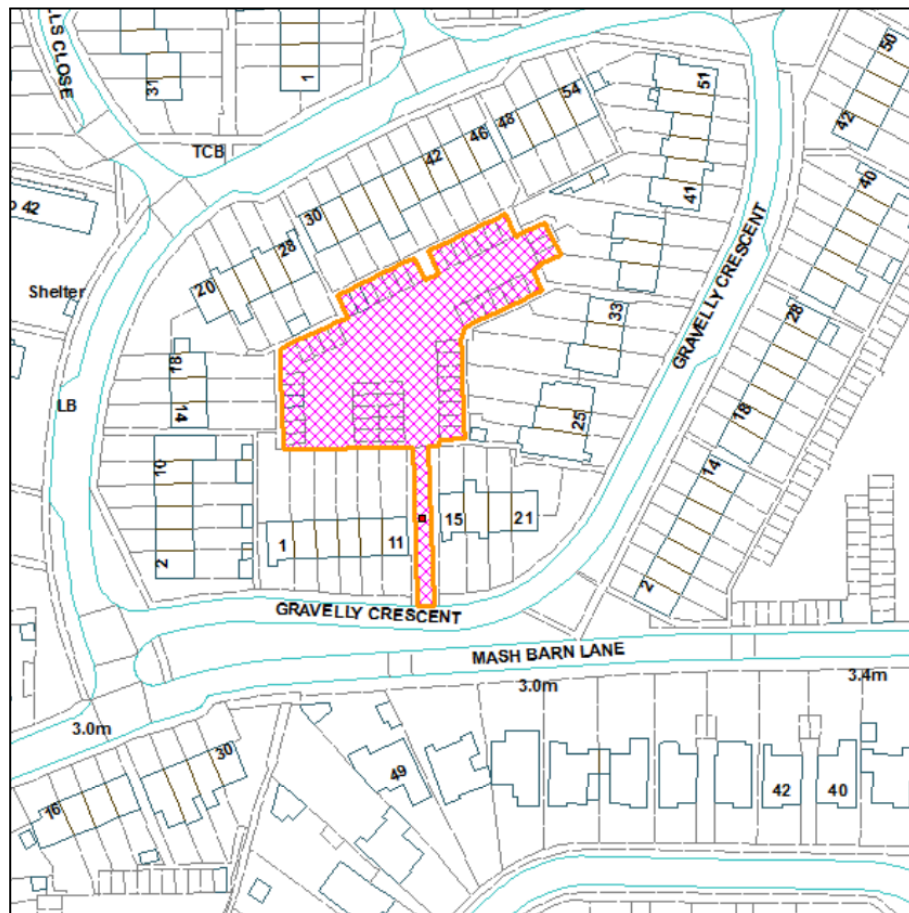
Reason: *In the interests of the amenities of neighbouring properties.*

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

Reason: *To ensure adequate means of foul sewerage and surface water disposal.*

This page is intentionally left blank

Application Number:	AWDM/1728/23	Recommendation - Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from the Council's Drainage consultant
Site:	Garage Compound, Gravelly Crescent, Lancing	
Proposal:	Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent. Application to vary condition 1 (approved plans) of AWDM/2068/21	
Applicant:	Adur District Council	Ward: Mash Barn
Agent:	Ms Niki Fisher, Boutique Modern	
Case Officer:	Gary Peck	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

Planning permission was granted in December 2022 for the erection of 7 dwellings as part of the District Council's strategy for redeveloping garage sites with housing. Following the grant of permission, it has been decided to proceed with a modular form of construction. The general layout of the development remains the same as previously approved, with a block of 4 dwellings on the western part of the site and 3 dwellings (including a bungalow) on the western section. The number of parking spaces (16) remains unchanged from the previous approval. Its design is similar, but brick slips will be used as the main external material and there will be some minor alterations in fenestration design.

The application site currently consists of 8 existing garage blocks in a backland location off Gravelly Crescent and Shadwells Road within the built-up area of Lancing as defined by the Adur Local Plan.

The site is an irregularly shaped plot with the blocks of single storey garages on all four boundaries of the plot, beyond which on all sides are groups of terraced 2 storey housing, with the longest block being to the north and smaller blocks to the south.

Vehicular access to the application site is gained between 11 and 15 Gravelly Crescent, and there are also various pedestrian accesses between the terraced blocks of houses.

Relevant Planning History

AWDM/2068/21: Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent - granted permission in December 2022. The permission has not yet been implemented.

Consultations

West Sussex Highways

There are no highway safety or amenity concerns relating to the new plans submitted; therefore WSCC would raise no objection.

West Sussex Fire and Rescue Service

Having viewed the details for planning application no. AWDM/1728/23 for the Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent. Application to vary condition 1 (approved plans) of AWDM/2068/21; evidence is required to show suitable access to these new build properties can be achieved and a turning facility to enable a fire appliance to turn and make their exit conforms with the requirement of Approved Document B (AD-B) Volume 1 B5 section 13.

Environmental Health

The remediation strategy and the construction and environmental management plan

for this development are acceptable.

Environment Agency

Thank you for consulting the Environment Agency on the above application to vary condition 1 (approved plans) of AWDM/2068/21.

We note that the submitted 'Proposed GF Block Plan' (drawing ref: P133-BMH-XX-00-DR-0013-P7, dated 14.08.2023) still includes sleeping accommodation on the ground floor of Plot 07. Therefore, our previous response on this matter still applies as copied below:

Thank you for consulting us in regard to the request to amend the condition previously recommended by us in our letter dated 6 April 2022. Specifically, the request is to amend the condition to allow for sleeping accommodation to be located on the ground floor of one unit (Unit 7 which is a bungalow) so that accessible accommodation can be provided as part of the proposal.

We appreciate that accessible accommodation is important and much needed in the area. However, we are concerned that a potentially vulnerable resident(s) could be housed in a site mapped within current day Flood Zone 3. On that basis, we are unable to recommend that the previously recommended condition should be amended to allow for Unit 7 to have ground floor sleeping accommodation. The Local Planning Authority can make their own decision as to whether to allow the proposal to proceed without further recourse to us if they are satisfied that any resident(s) of Unit 7 could be safe in a flooding event, and that any evacuation plan is adequate and approved by their emergency planners. If the Local Planning Authority is minded to amend the condition we would suggest that it is rewritten as follows:

Condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ('Sustainable Drainage & Flood Risk Assessment, Ref: 15945/03/HOP/SUDS, dated October 2022, V2.0, by HOP Consulting Limited) and the following mitigation measures detailed within the FRA:

- Internal access to the upper storey of the blocks/buildings is to be maintained for the lifespan of the development and all sleeping accommodation is to be located on the First Floor and above, except for one unit providing a wheelchair accessible, level access bungalow dwelling (sections 5.4 & 5.5 of the FRA).

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Council's Drainage Consultant

Following a review of the submitted information, we have noted some changes to the drainage strategy. Therefore, we would recommend the objection of the application until an updated drainage strategy is received that confirms changes to surface

water storage and calculations to demonstrate the changes will not increase flood risk.

Reason To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Officer note: An updated strategy has been submitted and further comments are anticipated from the drainage consultant which will be reported verbally at the meeting.

Lancing Parish Council

Support the application

Southern Water

Following the review of the submitted documents, Southern Water would have the following comments to make for variation of condition 01: The developer is currently in consultation with Southern Water with regards to the proposed sewer diversion (reference DSA000031124). The detail of the proposed diversion needs to be agreed and approved by Southern Water before implementing on site.

Representations

1 letter of objection stating:

I was generally in favour of these plans previously, however now my enthusiasm is lukewarm and I'm feeling that this is over development bringing an excessive amount of noise, disturbance and traffic.

I'm extremely concerned about the following, as I live adjacent to the site entrance and very close to the southernmost house.

Proximity of the houses to existing properties, in my opinion, they are far too close.

Loss of light and privacy, I strongly believe that the southernmost house should be a bungalow (as is the most northerly house). It blocks light to our homes, is extremely close and I lose privacy as it overlooks my garden

Noise created by air source heat pumps. This is an extremely quiet and tranquil area, especially at night and I believe this will be impacted heavily by noise from these heating systems from 7 houses running 24/7.

Domestic rubbish disposal, how will the bin wagon collect rubbish from these houses? I'm very concerned that this isn't possible. I want to know detailed information on how it is proposed that rubbish is collected from these properties and nobody is providing answers or plans.

How is it proposed that rubbish and recycling is collected from the properties.

From a safety point of view, I would like to see evidence that a fire engine can enter the compound and turn around safely.

I also strongly object to the site hours of 8 am to 1 pm on a Saturday. I feel this is unreasonable. This will impact residents' enjoyment of their amenities at weekends. It's not acceptable to work from 8 am on a Saturday morning, as undoubtedly, this will start much earlier with traffic and workers arriving etc.

I have a child doing A-levels who needs time to study and rest and I worry that this will be severely impacted.

I work from home full time and I'm concerned about noise levels and disturbance during this time. Plus it will limit opportunities for advancement, and impact on work I can commit to within my organisation due to this.

1 letter commenting:

How will you ensure the safety of residents and their guests entering/exiting properties 15 and 11?

Relevant Planning Policies and Guidance

Adur Local Plan 2017 - Policy 2: Spatial Strategy, Policy 3: Housing Provision, Policy 15: Quality of the Built Environment and Public Realm, Policy 18: Sustainable Design, Policy 20: Housing Mix and Quality, Policy 22: Density, Policy 28: Transport and Connectivity, Policy 30: Green Infrastructure Policy 31: Biodiversity, Policy 36: Flood Risk and Sustainable Drainage

Development Management Standard: Space Around Dwelling and Flats

National Planning Policy Framework (December 2023)

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

During the determination of the previous application, the main issues identified in the determination of the application were the principle of development, the effect of the proposal upon the visual character of the area and the amenities of neighbouring properties, the loss of parking and impact upon highway safety and whether concerns regarding flooding and drainage issues have been adequately addressed.

Principle of development

The Council has been actively looking at redeveloping garage sites for some time with permissions already granted at other sites and at St Giles Close, Shoreham, the development of the site has recently been completed. Given that the garage sites such as this are within the built-up area as defined by the Local Plan and represent brownfield sites, they are the type of site which should be considered for redevelopment, especially considering the difficulty in meeting the housing needs of the District due to its physical constraints of being located between the National Park and the sea. The previous permission, which is still valid, is a material consideration in the determination of the application and accordingly it is not considered there is any objection in principle to the proposed development.

Impact on the character of the area and amenities of neighbouring residents

The application site is not particularly prominent in the street scene as it can only be viewed through the vehicular access to the site from Gravelly Crescent. Within the site itself it is of little visual merit and its somewhat irregular plot added to the many blocks of separate garaging provides an unappealing layout with many narrow passageways between and behind the garaging. It was concluded previously that, in pure visual terms, the redevelopment of the site would clearly improve the character of the area.

As with the other garage sites previously considered by the Committee, however, the application site is surrounded by existing housing, the rear elevations of which presently face towards the single storey garages. It was noted during the consideration of the previous application that while this is a not particularly attractive view, the introduction of largely 2 storey dwellings would clearly greatly contrast from the existing situation as a result of the application proposal and therefore the impact upon existing properties needed to be carefully considered.

Guidance in respect of distances between buildings is primarily contained within the Development Control Standard relating to the provision of flats and dwellings. This requires that usually a distance of 22m is the minimum required between facing principal windows in order to retain sufficient privacy. Where a principal window faces a solid obstruction a distance of 11m is required between the window and a single-storey structure or 14m between a principal window and a two-storey structure, in order to allow adequate light to enter the windows. New dwellings should normally be set at least a metre away from the boundary to avoid an appearance of overdevelopment.

Taking the proposed western block first, the nearest residential properties to the west in Shadwells Road have reasonable rear gardens of about 14 metres in length. The previous permission proposed a distance of 25 metres between the properties which complies with the guidance and was therefore considered to be acceptable. This is maintained under the current proposal and so remains acceptable.

Further residential properties are to the south of the proposed block and, as with the original permission, concern has been raised from one of the residents in this block as to the impact of the proposed development by way of an overbearing impact and overlooking. Taking the latter point first, there remains no windows proposed in the facing elevation concerned, and this can be controlled by condition, therefore no overlooking would occur. A PV panel has been added to the southern facing roofline but this is not considered an uncommon feature in an urban location. There has been a very minor re-siting of the proposed dwellings, such that the southernmost dwelling is 0.3 metres closer to the southern boundary. The distance between the proposed dwellings and those existing to the south remains above 16 metres and therefore exceeds the Council's standard of 14 metres. As previously, therefore, the relationship is considered to be acceptable.

The dwellings to the north sit at an angle to the proposed western block and therefore the relationship is not as direct between the side and rear of the buildings. At the rear corner point of the northernmost proposed dwelling in the block, the previous permission allowed for a separation distance of just under 14 metres. The northernmost dwelling now has a slightly greater footprint (extending over what would have been an irregular shaped side garden previously) and hence the separation distance has now been reduced to under 12 metres in the current proposal. Since the site tapers, though, this distance is represented by only one corner point of the building and increases towards the front of the building. The Council's distance standard relates to a direct face to face relationship and as such is not applicable in this instance. The re-siting of the proposed dwellings is not considered to have a material impact on the amenities of neighbouring properties, therefore, and the relationship is still considered to be acceptable.

The eastern block is in a more constrained location as the application site is narrower and the gardens serving existing properties in Shadwells Road to the north are shorter at 10 metres in length. Previously it was recognised that it would not be possible to meet the 14 metre side to the rear distance with the proposed quantum of development if the northernmost dwelling on this block were a dwelling. It remains the case that a bungalow is provided to the northern end of the block, (where the relevant standard is 11 metres). The proposed siting of the dwellings compared to the previous approval remains unchanged and as previously the standard is very slightly breached (by less than half a metre). In light of the previous approval, there would be no grounds to resist the proposal. There are no windows proposed in the northern elevation of the bungalow, and its proposed hipped roof further reduces its impact upon the dwellings to the north and hence its impact is considered acceptable. Beyond the bungalow, there will be 2 further houses proposed but would far exceed the required standard of 14 metres between side and rear dwellings.

Because of the angle of the application site and its relationship to the nearest dwellings to the east, there is a comfortable distance on this side with the middle

dwelling of the 3 having a rear garden in excess of 17 metres in length. As the rear gardens serving the existing properties to the east are in excess of 10 metres, the required overlooking distances are again met.

Because of the angle of existing and proposed dwellings, there is a more oblique relationship with the dwellings to the south east. The shortest distance between dwellings remains at 18 metres at an oblique angle and while the garden of 33 Gravelly Crescent is that which is closest to the application site, it will border a rear garden of the new development with the proposed dwelling itself being sufficiently further away for there to be no adverse impact.

Accordingly, having regard to the previous permission, it is not considered there would be an adverse impact upon existing neighbouring properties and the application is considered to be acceptable in that regard.

Loss of Parking and impact on highway safety

Concern has been raised previously regarding the loss of garaging and the consequent impact upon parking on the area. It had been consistently found during surveys of the garage site that few of them are used for parking due to their size being too small to accommodate modern cars and there is no reason to suggest that the situation has altered since permission was previously granted.

As previously, the proposed development would be served by 16 spaces which is considered adequate for the development and having regard to the guidance of the National Planning Policy Framework that development should only be resisted on highways grounds when the impact is severe, it is not considered that a refusal could be justified in this instance on such grounds.

Flood Risk and Drainage

The issue of flood risk and drainage was considered at some length during the previous application.

As explained in the previous committee report, the Local Plan undertook a sequential, risk based approach to the location of development which took in all sources of flood risk. However, in view of the extent of housing need and the scarcity of land the Local Plan still had to allocate land at flood risk (New Monks Farm and Western Harbour Arm). The lack of land within the District meant that there were no sequentially preferable sites that could be allocated instead of these sites and the Plan still resulted in a shortfall of over 3,100 dwellings.

As this site is not allocated for development and falls within Flood Zone 3a there is a requirement for a sequential assessment to be undertaken as well as the exception test (set out below).

The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be

demonstrated that:

(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The previous committee report noted:

The sequential assessment requires a review of available sites for development with a preference for sites at lower flood risk to be developed first. The applicant (Adur Homes) undertook a review of all garage sites and those identified suitable for development are being progressed for development (including this site and the other garage site at Daniel Close appearing elsewhere on the agenda). As such there are no other Adur Homes sites that are capable of redevelopment in areas of reduced flood risk. Although there is scope to redevelop all or part of the Southwick Estate this land is not available as existing residents would need to be relocated and this site is likely to be progressed through the Local Plan review.

In terms of other potentially sequentially preferable sites your Officers have reviewed the brownfield sites submitted as part of Strategic Housing Land Availability Assessment (SHLAA) and have resolved that the only sites that are potentially available are coming forward for development anyway given the demand for housing within the District. These windfall sites were anticipated as part of the Local Plan process and as a result there would still be a significant shortfall of housing even if all SHLAA sites came forward.

In terms of the exception test, as amended, the submitted Flood Risk Assessment (FRA) demonstrates compliance with the second part of the test and no objections have been raised by our Engineers and the Environment Agency. The amended FRA provides sufficient comfort that the development would be safe from flooding over its lifetime and avoids increasing flood risk elsewhere.

Concerns were expressed previously about the inclusion of the single storey dwelling proposed on the site and the Environment Agency previously recommended that comments were sought from the Safety and Resilience Manager who subsequently confirmed that he raised no objection to the scheme. In light of the previous permission and there being no material change in circumstances to the type and siting of the unit proposed, it is considered that subject to the imposition of a suitable condition there would be no grounds to resist the proposal on this basis.

As a consequence of the slight alterations to the scheme, the Council's drainage consultant commented that the drainage strategy should be updated accordingly. This has now been done and Members will be updated verbally of any further consultation response.

Other matters

It is considered that the other matters raised within the representations can either be covered by condition (by way of a Construction Management Plan) or by other legislation such as Building Regulations or Environmental Health. The point about refuse and recycling is noted, however, and while there was not a condition imposed previously, it is considered appropriate that a condition be imposed on this occasion.

Recommendation

Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from the Council's Drainage consultant.

Subject to conditions:-

1. Approved Plans
2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

3. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

Reason: *To provide adequate on-site car parking space for the development.*

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

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

5. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: *To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.*

6. 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:
the anticipated number, frequency and types of vehicles used during construction;

the method of access and routing of vehicles during construction;
the parking of vehicles by site operatives and visitors;
the loading and unloading of plant, materials and waste;
the storage of plant and materials used in construction of the development;
the erection and maintenance of security hoarding;
the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
details of public engagement both prior to and during construction works.

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

7. 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.

Reason: *To ensure the site is adequately drained.*

8. 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.

Reason: *To ensure adequate maintenance and management of the surface water drainage system.*

9. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the

site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To ensure that any contamination risks identified on the site are adequately identified and mitigated.*

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ('Sustainable Drainage & Flood Risk Assessment, Ref: 15945/03/HOP/SUDS, dated October 2022, V2.0, by HOP Consulting Limited) and the following mitigation measures detailed within the FRA:

- Internal access to the upper storey of the blocks/buildings is to be maintained for the lifespan of the development and all sleeping accommodation is to be located on the First Floor and above, except for one unit providing a wheelchair accessible, level access bungalow dwelling (sections 5.4 & 5.5 of the FRA).

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To ensure adequate mitigation measures are provided in an area at risk of flooding.*

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and reenacting that Order with or without modification), no windows or other openings shall be formed in the northern and southern walls of the approved dwellings. Ref: -AWDM/2068/21

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

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

Reason: *To ensure adequate landscaping is provided.*

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

Reason: *In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.*

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and reenacting that Order with or without modification), the proposed dwelling shall not be extended [or any incidental building over 5 cubic metres in volume erected within its curtilage].

Reason: *In the interests of amenity and the environment having regard to the nature of the site and policy 15 of the Adur Local Plan.*

15. The hours of construction to implement the development hereby permitted shall be limited to 0900 to 1700 hours Monday to Friday, 0900 hours to 1300 hours on Saturday and there shall be no working on Sundays or Bank/Public Holidays.

Reason: *In the interests of the amenities of neighbouring properties.*

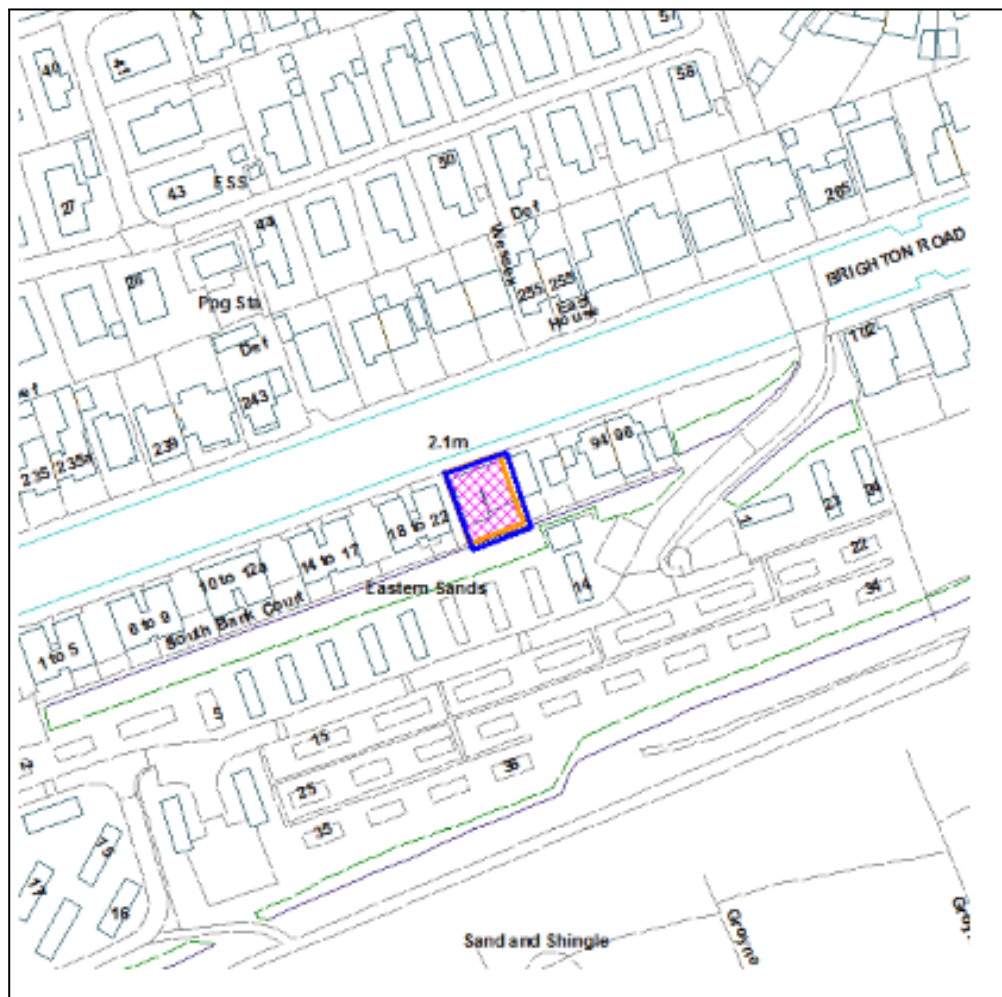
16. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: *To ensure adequate means of foul sewerage and surface water disposal.*

17. No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the adequate provision for refuse and recycling facilities.*

Application Number:	AWDM/0182/24	Recommendation - REFUSE
Site:	90 Brighton Road, Lancing, West Sussex	
Proposal:	Alterations and extensions to building including rear dormer to form 2nd floor and sub-division of the building to create 2no. 3 storey dwelling houses. Application to Vary Condition 1 of previously approved AWDM/1041/23. Amendments: Rear balconies with privacy screens to both dwellings	
Applicant:	Seaview Building Company	Ward: Widewater
Agent:	Mr Luke Carter	
Case Officer:	Hannah Barker	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

Planning permission was granted in December 2023 under AWDM/1041/23 to alter and extend the existing building at 90 Brighton Road Lancing to create 2 no. residential dwellings over three storeys. A second storey was provided with a gabled roof and rear dormer extension. Single storey flat roof rear additions were shown with sliding doors to match those above with juliette balconies with a privacy screen between them and either side. The appearance of the building was to be upgraded and remodelled with the use of contemporary materials, timber cladding and render.

The current application seeks permission for a rear balcony to each of the dwellings above the single storey extensions in the place of the juliette balconies. Privacy screens are shown on the submitted plans. The original scheme did include these balconies, however, Officers considered there to be harm due to the close proximity and limited amenity space at the adjacent, attached dwelling, no. 92 Brighton Road. Therefore they were removed and replaced with the less intrusive jullettes. Other than this change all other matters remain the same as previously approved. The balconies and screens only are for consideration here.

The application site is a two storey semi detached dwelling house on the south side of Brighton Road Lancing. The building fronts the pavement onto Brighton Road and to the rear levels drop to the Eastern Sands Holiday Park where static mobile homes are positioned directly to the rear of the site. Beyond this is the beach. Brighton Road comprises a diverse collection of dwellings with different building scale and height, design and use of materials. There has been evolution of development overtime giving rise to an interesting and varied character. Many buildings on the south side of the road are three storeys in height. The attached dwelling is the same height as the existing application site however the adjacent dwelling is narrower and the roof form differs. The applicant's agent states in the submitted Design and Access Statement that these buildings have a very different character. The flats to the west are three storeys comprising five blocks of flats with garaging at ground level.

The dwelling currently has two garages, a bedroom, kitchen and two stores on the ground floor. At first floor a further three bedrooms, bathroom, two living rooms and a conservatory and loft storage in the roof. There is a small rear garden.

The new dwellings both have a gym, study and bathroom on the ground floor. The eastern dwelling benefits from the existing parking space. Both dwellings on the first floor have two bedrooms, W.C and kitchen and living space in the roof on the second floor formed from the dormer.

Consultations

The Environment Agency: - We are satisfied that the condition we recommended in our previous response (dated 14 September 2023) to application AWDM/1041/23 remains applicable, and therefore request that the condition as shown below is 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 – Flood risk

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 16542/01/HOP/RPT/01, V2.0, dated 22.08.2023, by HOP Consulting Limited) and the following mitigation measures it details:

- There shall be no habitable rooms on the ground floor.
- The first-floor finished floor level shall be set no lower than 5.8 metres above Ordnance Datum (AOD).

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.

National Highways: - No objection

West Sussex County Council Highways Authority: - The proposals do not impact upon parking therefore the LHA would not foresee any implications with the proposed variation of condition 1.

Adur and Worthing Councils: - Private Sector Housing: - No further comments

Representations: - None received: as the neighbour notification period expires on the day of the meeting, any comments received after the preparation of the agenda will be reported verbally at the meeting.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15, 28, 20, 22, 28, 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)

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 relevant issues when considering the original application were the following. The effects on the amenities of neighbouring residential occupiers and the proposed future occupiers. The effect on the character and appearance of the area, parking and highway matters, flood risk and drainage.

In this case the impact of the balconies are for consideration only therefore the effect of these upon the amenities of neighbouring residential occupiers and the proposed future occupiers and the effect on the character and appearance of the area are to be considered only.

Visual Amenity

The balconies and screens will be clearly visible from neighbouring properties and the mobile home park to the rear. They will not be a feature that is out of keeping within the locality.

Residential Amenity of Future and Existing Occupiers

The proposed balconies would not have any adverse impact upon the living conditions of those also occupying the proposed dwellings. These are at the same level and screens provide privacy between the external spaces. There is also an element of 'buyer beware'.

The concern of your officers is with regard to the amenities of the existing, attached dwelling at no. 92. This dwelling has a small amenity space adjacent to the proposed balcony. The additional storey does impact upon this adjacent occupier however it was considered on balance that with the juliette balconies and privacy screens the impact would not be such to warrant a refusal here. The relationship between the proposed balconies at a high level and in such close proximity would be harmful representing an unneighbourly impact. Noise, activity and the physical impact of the screens at this depth would be overbearing to the adjacent property both from inside and outside. Refusal is recommended on this ground.

REFUSE for the reason(s):-

1. The proposed balconies and associated privacy screens will give rise to external and elevated activity and bulk in close proximity to the neighbouring properties in particular the attached dwelling no. 92 Brighton Road. This will give rise to a harmful, detrimental impact which is contrary to Policy 15 of the Adur Local Plan and the NPPF.

4 March 2024

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

Gary Peck
Planning Services Manager
Town Hall
01903 221406
gary.peck@adur-worthing.gov.uk

Peter Barnett
Principal Planning Officer (Development Management)
Town Hall
01903 221310
peter.barnett@adur-worthing.gov.uk

Hannah Barker
Senior Planning Officer (Development Management)
Town Hall
01903 221475
hannah.barker@adur-worthing.gov.uk

This page is intentionally left blank

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.



ADUR DISTRICT COUNCIL

Adur Planning Committee
March 2024
Item 8

Ward(s) Affected: All

Sustainable Energy SPD Update 2024

Report by the Director for Place

Officer Contact Details

Chris Furlong-Jones, Principal Planning Officer
chris.furlong-jones@adur-worthing.gov.uk

Executive Summary

1. Purpose

- 1.1 This report presents an update of the Supplementary Planning Document (SPD) on Sustainable Energy following public consultation.

2. Recommendations

- 2.1 Members are asked to note the draft SPD prior to adoption. Any comments will be passed to the Executive Member for Regeneration and Strategic Planning to inform his decisions on whether to adopt the SPD as planning guidance.

3. Background

- 3.1 The Council adopted a Sustainable Energy SPD in 2019. This was intended to provide guidance to developers on meeting the energy policies set out in the adopted Adur Local Plan 2017 (Adur LP) and the Joint Area Action Plan (JAAP) for Shoreham Harbour. It should be noted that the SPD does not and

cannot set new policy; it advises how policy requirements in the adopted Adur LP 2017 and JAAP can be met.

3.2 Specifically, the draft Sustainable Energy SPD provides guidance on:

- Adur LP, Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy; and
- Adur LP Policy 8: Shoreham Harbour Regeneration Area
- Shoreham Harbour JAAP Policy SH1: Climate change, energy and sustainable building

3.3 The energy policies in the above plans seek to ensure that development delivers secure, affordable, low carbon growth, increases future energy resilience, and helps to deliver the strategic objectives of the government's National Planning Policy Framework (NPPF).

3.4 At the time of writing the 2019 SPD, the Council was exploring the development of a Shoreham Heat Network. This would have supplied space heating and hot water to new developments at Shoreham Harbour and in Shoreham-by-Sea town centre.

3.5 Since the 2019 SPD was published, it has become apparent that delivery of the Shoreham Heat Network is not viable and the Council is not progressing this project. Several developments at the Western Harbour Arm have secured planning permission on the basis that they would connect to this network in future.

3.6 The fact that the Shoreham Heat Network is not being delivered is a material consideration when determining planning applications, and this justifies a deviation from the policies in the adopted plans. It is clearly not feasible to connect to a network which does not exist, and is unlikely to be delivered.

3.6 The 2019 SPD strongly encouraged development to achieve carbon emissions at least 20% lower than minimum Building Regulations standards at the time. Since June 2022, new Building Regulations have been in place. Permitted carbon emissions under the new regulations are around 31% lower for residential buildings and 27% lower for non-residential buildings.

3.7 Given the above, the council consulted on an updated SPD which removed references to the proposed heat network, and clarified references to the current Building Regulations.

4. Proposals

- 4.1 The SPD aims to clarify existing policy in Adur LP and Shoreham Harbour JAAP. It presents clear guidance on how applicants can comply with policy and submit information to the planning authority in a way which can easily be assessed by development management.
- 4.2 Training sessions will be offered to Development Management officers to help them review energy statements on adoption of the SPD.
- 4.3 The SPD sets out the national and local policy background, and the principles for meeting policy requirements on sustainable energy. It requires developers to submit an Energy Statement that includes the following:
 1. Baseline energy demand and Target Emission Rate (TER) for each proposed building.
 2. A description of the measures taken to reduce energy demand.
 3. A description of the measures taken to increase energy efficiency.
 4. Energy demand and Dwelling Emissions Rate (DER, for residential buildings) and/or Building Emission Rate (BER, for non-residential buildings) for each proposed building, **before onsite renewable, low and zero-carbon technologies are included.**
 5. A calculation of the minimum requirement for onsite renewable, low and zero-carbon energy generation (10% of total regulated energy demand at Step 4).
 6. A description of the proposed onsite renewable, low and zero-carbon energy generation technologies.
 7. Energy demand and Dwelling Emissions Rate (DER, for residential buildings) and/or Building Emission Rate (BER, for non-residential buildings) for each proposed building, **after onsite renewable, low and zero-carbon technologies are included.**
 8. A description of the measures proposed to avoid overheating.
 9. For non-residential buildings, a BREEAM design stage assessment.

- 4.4 The baseline energy demand and Target Emissions Rate are calculated using the current Building Control methodology. These refer to a notional building and describe the minimum permitted standard.
- 4.5 Applicants are required to submit descriptive information on the measures taken to reduce energy demand. This includes passive design measures such as site and building orientation and layout, solar gain, thermal mass and storage, natural ventilation and landscaping.
- 4.6 Applicants are required to submit descriptive information on the measures taken to increase energy efficiency. This includes the building fabric, insulation, air-tightness, thermal bridging and energy efficient fittings and appliances.
- 4.7 Applicants must then provide a calculation of the energy demand and emissions for the designed building, **before** including onsite renewable, low and zero-carbon energy. This will be calculated using the current Building Control methodology. Adur LP Policy 19 requires a minimum of ten percent of energy demand to be met from onsite renewable, low and zero carbon energy. Applicants are asked to provide information on the proposed energy technologies.
- 4.8 Applicants must then provide a calculation of the energy demand and emissions for the designed building, **after** including onsite renewable, low and zero-carbon energy. This will be calculated using the current Building Control methodology. This will enable developers to demonstrate that they have met the minimum requirement for onsite renewable, low and zero-carbon energy. It will also demonstrate any improvement over building control standards.
- 4.9 Developers are also asked to provide descriptive information on the proposed measures to reduce overheating. This is an increasingly significant issue in development, and likely to worsen with climate change.
- 4.10 For non-residential development, developers are asked to provide a BREEAM design stage assessment to demonstrate compliance with the following standards:
- **Excellent** for non-residential development in the Shoreham Harbour Regeneration Area
 - **Very good** for non-residential development elsewhere in the Adur Local Plan area.

- 4.11 The draft SPD was subject to public consultation for a period of four weeks, in accordance with regulations and the Council's Statement of Community Involvement. Just one representation was received.
- 4.12 The representation received by the council proposed a number of changes to the policy wording, which is directly quoted from the Adur LP and Shoreham Harbour JAAP. An SPD cannot amend the policies in an adopted local plan. Therefore no changes have been made in light of this representation.

5 Financial Implications

- 5.1 The document was part of the Planning Policy team's general work programme. Any expenditure that has been incurred to date has been contained within existing budget resources.

6 Legal Implications

- 6.1 The content of the SPD reflects the following legislation: Planning and Compulsory Purchase Act 2004, Climate Change Act 2008, Planning and Energy Act 2008. It also reflects the National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG).
- 4.2 The NPPF confirms that SPDs should only be used where justified and where they can help applicants make successful applications. Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out statutory requirements for the preparation of SPDs, which includes an obligation to consult.

Background Papers

- Draft Sustainable Energy Supplementary Planning Document

Contact Officer:

Chris Jones

Principal Planning Officer

Planning Policy

01273 263243

chris.jones@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 The SPD provides guidance on meeting the policy requirements set out in the adopted local plans.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Matter considered and no issues identified

6.0 Human Rights Issues

6.1 Matter considered and no issues identified

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 The draft SPD was subject to public consultation in accordance with regulations and the Statement of Community Involvement

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified

This page is intentionally left blank



ADUR DISTRICT COUNCIL

Supplementary Planning Document

Sustainable Energy

March 2024



ADUR DISTRICT
COUNCIL

Introduction		p.1
Section 1	What is the policy background?	
p.2	Legislation	p.2
	National Policy	p.3
	Local Policy: Adur Local Plan	
p.4		
	Shoreham Harbour Joint Area Action Plan	
p.7		
Section 2	What are the principles for meeting planning requirements for sustainable energy?	p.9
	The Energy Statement	
p.9		
	1. Baseline energy demand and emissions	
	p.10	
	2. Reducing energy demand	
	p.10	
	3. Improving energy efficiency	p.12
	4. Energy demand and emissions before onsite energy generation is Included	p.13
	5. The minimum onsite energy generation requirement	
	p.13	
	6. Onsite renewable, low and zero-carbon energy technologies	
	p.13	
	7. Energy demand and emissions before onsite energy generation is Included	p.16
	8. Overheating	p.16
	9. BREEAM assessment	p.18

INTRODUCTION

This Sustainable Energy Supplementary Planning Document (SPD) is intended to provide guidance to developers on meeting the sustainable energy policies set out in Adur Local Plan 2017 (ALP) and the Shoreham Harbour Joint Area Action Plan (JAAP) (2019). Once adopted it will supersede the earlier Sustainable Energy SPD (adopted in 2019).

The SPD provides further guidance on policies in the two development plan documents. It describes how developers can demonstrate that policy requirements have been met by; undertaking an assessment of energy demand; developing a strategy to reduce energy demand and to meet that demand through the provision of sustainable energy generation technologies; and developing an Energy Statement to support planning applications.

This guidance relates to:

- Major residential and non-residential developments proposed in the Adur Local Plan area.
- Major and non-major residential and non-residential development proposals (excluding household applications) within the Shoreham Harbour Regeneration Area.

These developments are required to meet energy policy requirements and submit an Energy Statement. However, this SPD encourages *all developments* to submit an Energy Statement to demonstrate how they are delivering clean, smart, sustainable, development, in the spirit of wider sustainability objectives of the development plans.

The purpose of the energy policies in the plans are to ensure that development delivers secure, affordable, low carbon growth, increases future energy resilience, and helps to deliver the strategic objectives of the government's National Planning Policy Framework (NPPF) (2021).

Adur District Council is committed to increasing renewable and low carbon decentralised energy through its development plans. The Council has committed to the UK100 Cities target of 100% clean energy by 2045. The requirement for renewable and low carbon energy in proposed development is aligned with the National Planning Policy Framework which requires all local planning authorities to deliver radical reductions in greenhouse gas emissions and support renewable and low carbon energy.

This SPD updates the previous version, adopted in 2019. The update is necessary because:

- Amendments to Building Regulations and the relevant approved documents commenced on 15 June 2022¹. These changes have affected standards in relation to ventilation, energy and carbon emissions, electric vehicle charging infrastructure and overheating.
- The proposed Shoreham Heat Network is not currently viable, and the Council is no longer actively promoting this project.

These material changes impact the implementation of policies in the ALP and JAAP. This update clarifies the Council's policy position and how developers can demonstrate compliance.

¹See [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2021](#)

1 What is the policy background?

Legislation

1.1 The following legislation provides the national context for the local policies:

The [Planning and Compulsory Purchase Act 2004](#) sets out the legislative framework for development planning in England. The Act requires that:

Development plan documents must (...) include policies designed to secure that the development (...) contribute to the mitigation of, and adaptation to, climate change².

1.2 The [Climate Change Act 2008](#) (as amended in 2019) sets a statutory target to reach net-zero greenhouse gas emissions by 2050³. To meet this target the government sets a carbon budget every five years. The sixth carbon budget requires a 78% reduction in UK territorial emissions between 1990 and 2035⁴. Key recommendations include increasing the take up of low-carbon solutions and expansion of low-carbon energy supplies.

1.3 The [Planning and Energy Act 2008](#) allows local planning authorities to impose reasonable requirements for:

- a) *a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development;*
- b) *a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development;*
- c) *development in their area to comply with energy efficiency standards that exceeds the energy requirements of building regulations.⁵*

1.4 A Written Material Statement (2015) proposed the removal of Part (c) to exempt residential dwellings. However this has not been brought into force, and the provisions of the act remain in place. The government has stated that local planning authorities are not restricted in their ability to require energy efficiency standards above building regulations.⁶

² Section 19 (1A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 182 of the Planning Act 2008.

³ Section 1 of the Climate Change Act 2008.

⁴ Sixth Carbon Budget (December 2020)

⁵ Section 1 (1) of the Planning and Energy Act 2008.

⁶ Government response to the draft revised National Planning Policy Framework consultation (p.48) (2018)

National policy

- 1.5 The [National Planning Policy Framework \(NPPF\) \(2021\)](#) sets out the government's planning policies for England and how these are expected to be applied. The NPPF requires plans to adopt proactive strategies to mitigate and adapt to climate change, in line with the provisions and objectives of the Climate Change Act 2008.

152. The planning system should support the transition to a low carbon future in a changing climate ... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience ... and support renewable and low carbon energy and associated infrastructure.
154. New development should be planned for in ways that ... can help to reduce greenhouse gas emissions, such as through its location, orientation and design ...
155. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
 - consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and
 - identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for colocating potential heat customers and suppliers.
156. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
157. In determining planning applications, local planning authorities should expect new development to:
- comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
158. When determining planning applications for renewable and low carbon development, local planning authorities should:
- not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been

identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 1.7 [Planning Practice Guidance \(PPG\)](#) is an online resource which provides additional and detailed guidance on aspects of the NPPF. PPG highlights the importance of addressing climate change as one of the key land use planning principles.⁷ Increasing the amount of energy generated from renewable and low carbon technologies is important to ensure future energy security, and to reduce greenhouse gas emissions to slow down climate change. PPG highlights the importance of enabling and encouraging decentralised energy opportunities, such as district heating and cooling⁸.

Local Policy

Adur Local Plan 2017

- 1.10 The [Adur Local Plan](#) (adopted December 2017) provides a comprehensive vision and strategy for the future of Adur until 2032. Key challenges for the Plan include the need to: improve infrastructure; address climate change; work towards achieving sustainability; and to balance development and regeneration requirements against the limited physical capacity of Adur without detriment to environmental quality.
- 1.11 To meet its obligations under the legislation and national policy context set out above, Adur Local Plan includes the following policies:

ALP Policy 18: Sustainable Design

Residential:

All new dwellings must achieve a water efficiency standard of no more than 110 litres/person/day (lpd).

Non-residential:

Non-domestic floorspace must achieve a minimum standard of BREEAM 'Very Good' with a specific focus on water efficiency.

Developers will be expected to provide certification evidence of the levels for BREEAM at the design stage and on completion of development.

⁷ Paragraphs 6-001 - 6-002 of the Planning Practice Guidance.

⁸ Paragraph 6-009 of the Planning Practice Guidance.

ALP Policy 19: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy

An assessment of the opportunities to use low carbon energy, renewable energy and residual heat/ cooling for both domestic and non-domestic developments must be provided with any major planning application. This must include details of:

- Any new opportunities for providing or creating new heating/cooling networks.
- The feasibility of connecting the development to existing heating / cooling / CHP networks where these already exist.
- Opportunities for expansion of any proposed networks beyond the development area over time, and to plan for potential expansion.

Where viable and feasible, commercial and residential developments in areas identified in the Shoreham Harbour Heat Network Study (2015) will be expected to connect to district heating networks where they exist.

Stand-alone energy schemes will also be supported subject to compliance with other policies in this Plan.

All new major development will be expected to incorporate renewable/low carbon energy production equipment to provide at least 10% of predicted energy requirements.

- 1.12 This supplementary planning document provides further detail on how to prepare an Energy Statement to accompany planning applications for major development.⁹ The purpose of an Energy Statement is to demonstrate that climate change mitigation measures comply with Policy 19 of the Adur Local Plan. The Energy Statement enables developers to demonstrate the proposals contribution to reducing carbon emissions in accordance with the energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

- 1.13 The Energy Statement ensures sustainable energy is an integral part of the development's design and evolution. Smaller developments are also encouraged to meet the standard and submit an Energy Statement.

Heating and cooling networks

- 1.14 Decentralised heating and cooling systems and networks can provide an extremely cost effective approach to minimising CO₂ emissions, especially where networks can be expanded to accommodate new and existing developments over time.

⁹ Major development is defined in the [Town & Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) as 10 or more dwellinghouses, or sites of 0.5 hectares or more where it is not known if the development will have 10 or more dwellinghouses; the provision of a building or buildings where the floorspace to be created is 1,000m² floorspace or more, or development on sites of 1 hectare or more.

Heating and hot water for buildings account for 40% of UK energy use and 20% of greenhouse gas emissions. The Climate Change Committee estimates that district heating can meet 20% of domestic heating and hot water needs by 2030. The Clean Growth Strategy (2017) includes policies to roll out low carbon heating, and phase out the installation of high carbon fossil fuel heating.

- 1.15 Although the Council is no longer progressing the Shoreham Heat Network, larger developments may provide opportunities to deliver new heating/cooling networks. **All proposals for major development must include an assessment of the opportunities for decentralised heating and cooling networks.**

Renewable and low carbon energy generation

- 1.16 Building related energy consumption is a significant contributor to greenhouse gas emissions. The hierarchy of reducing demand; using energy efficiently; supplying energy efficiently and then using appropriate on-site renewable/low carbon energy generation is the most cost-effective means of reducing energy consumption and greenhouse gas emissions for new developments.
- 1.17 **All major development is expected to incorporate renewable/low carbon generation of a minimum of 10% of predicted energy requirements. This will be calculated from total energy requirements (regulated and unregulated).**
- 1.19 See Section 2 for guidance on how to address low and zero carbon energy generation in the Energy Statement.
- 1.20 Adur District Council is working in partnership with Brighton & Hove City Council and West Sussex County Council to regenerate Shoreham Harbour and surrounding areas. Policy 8 of the Adur Local Plan makes specific requirements for development within the regeneration area.

ALP Policy 8: Shoreham Harbour Regeneration Area (excerpt)

New development at the harbour will be expected to meet high standards of environmental efficiency and a Sustainability Statement will be required as supporting information to accompany all development proposals in the parts of the Shoreham Harbour Regeneration Area within Adur. The Sustainability Statement should be set out in accordance with the Sustainability Statements Guidance Note for Shoreham Harbour Regeneration Area.

Development will be expected to incorporate low and zero carbon decentralised energy generation, in particular heat networks, and required to either connect, where a suitable system is in place (or would be at the time of construction) or design systems so they are compatible with future connection to a network.

- 1.21 **All development proposals within the Shoreham Harbour Regeneration Area are required to submit a Sustainability Statement.** The energy assessment required by Policy 19 of the Adur Local Plan, and this SPD, should be incorporated into the Sustainability Statement.

Shoreham Harbour Joint Area Action Plan

- 1.22 The councils adopted the [Shoreham Harbour Joint Area Action Plan](#) in October 2019. Policy SH1: Climate change, energy and sustainable building requires all new development within the regeneration area to incorporate low and zero carbon decentralised energy opportunities:

JAAP Policy SH1: Climate change, energy and sustainable building (excerpt)

1. Development proposals should demonstrate how they maximise opportunities to support local sustainability objectives and commitments.
2. A completed Sustainability Checklist will be required to accompany all development proposals in the areas of the harbour within Brighton & Hove. A Sustainability Statement will be required to accompany all development proposals within Adur
3. All new commercial buildings should meet the BREEAM 'excellent standard'.
4. Where it is feasible and viable, development should seek to achieve zero carbon status, in particular within the four site allocations. This will include the use of passive design measures. Proposals must demonstrate good thermal performance and air tightness to prevent heat loss.
5. Developers should demonstrate how they can contribute towards the regeneration partnership's objective of becoming a hub for renewable energy generation.

6. The councils will support proposals for low and zero carbon energy generation, including solar photovoltaics.

Decentralised energy, heating and cooling networks

7. All new development will be expected to incorporate low and zero carbon decentralised energy generation, including heating and cooling. The councils will support the development of heating and cooling networks and associated infrastructure. All development proposals must demonstrate that heating and cooling systems have been selected in accordance with the heating and cooling hierarchy as set out in Table 1.

Table 1: Heating and cooling hierarchy

System
1. Connection to existing heating/cooling network
2. Site-wide heating/cooling network
3. Building-wide heating/cooling network
4. Individual heating/cooling systems
Technology
1. Renewable/waste energy sources (such as biomass, heat pumps, solar thermal)
2. Low carbon technologies
3. Conventional systems (such as gas or direct electric)

8. Where no heat network is in place, development proposals must be designed to be connection ready, and will be expected to demonstrate that all specifications below have been met:
 - All buildings must use a centralised communal wet heating system rather than individual gas boilers or electric heating.
 - All buildings must allow adequate plant room space to allow for connection at a later date. (the exact requirement to be agreed with the councils and their representatives).
 - Plant rooms must be situated to consider potential future pipe routes. The developer must identify and safeguard a pipe route to allow connection between the building and the highway or identified network route where available.
 - The developer must not in any other way compromise or prevent the potential connection.

Shoreham Heat Network

9. Development within the proposed Shoreham Heat Network area will be required to connect to district heating networks where they exist, or incorporate the necessary infrastructure for connection to future networks.

- 1.23 The energy statement should demonstrate that the requirements of these policies have been met. There are currently no heating/cooling networks in Adur and the Council is no longer progressing the Shoreham Heat Network project. However, there is potential for significant reductions in carbon emissions through delivering a site-wide heating/cooling that has the potential to connect to a wider network at a later date

2 What are the principles for meeting planning requirements on sustainable energy?

The Energy Statement

- A. The Council requires an Energy Statement to be submitted for:
- Major residential and non-residential developments⁹ proposed in the Adur Local Plan area.
 - Major and non-major residential and non-residential development proposals (excluding household applications) within the Shoreham Harbour Regeneration Area (as part of the Sustainability Statement) (see Map, Appendix 4)
- B. The Council strongly encourages an Energy Statement to be submitted for all other development proposals demonstrating carbon emissions reductions beyond current Building Regulations compliance.
- C. The Energy Statement should demonstrate the proposal's contribution to radical reductions in greenhouse gas emissions in accordance with the following energy hierarchy:
1. Reduce energy demand
 2. Energy efficiency
 3. Onsite renewable, low and zero-carbon technologies
- D. As a minimum, the Energy Statement should include:
1. Baseline energy demand and Target Emission Rate (TER) for each proposed building.
 2. A description of the measures taken to reduce energy demand.
 3. A description of the measures taken to increase energy efficiency.
 4. Energy demand and Dwelling Emissions Rate (DER, for residential buildings) and/or Building Emission Rate (BER, for non-residential buildings) for each proposed building, **before onsite renewable, low and zero-carbon technologies are included.**
 5. A calculation of the minimum requirement for onsite renewable, low and zero-carbon energy generation (10% of total regulated energy demand at Step 4).
 6. A description of the proposed onsite renewable, low and zero-carbon energy generation technologies.

⁹ Major development is defined in the [Town & Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) as 10 or more dwellinghouses, or sites of 0.5 hectares or more where it is not known if the development will have 10 or more dwellinghouses; the provision of a building or buildings where the floorspace to be created is 1,000m² floorspace or more, or development on sites of 1 hectare or more.

7. Energy demand and Dwelling Emissions Rate (DER, for residential buildings) and/or Building Emission Rate (BER, for non-residential buildings) for each proposed building, **after onsite renewable, low and zero-carbon technologies are included.**
8. A description of the measures proposed to avoid overheating.
9. For non-residential buildings, a BREEAM design stage assessment.

IMPORTANT:

A draft Energy Statement should be prepared during design stages. If the proposal is subject to pre-application advice, it is recommended that a draft Energy Statement is submitted for pre-application stage discussions.

A full Energy Statement should be submitted with the full planning application.

The Energy Statement must include a non-technical summary.

1. Baseline energy demand and emissions

- A. The Energy Statement must establish the baseline energy demand and carbon emissions for the proposed development.
- B. For residential buildings, energy demand and Target Emissions Rates (TER) will be established using the most recent version of the Standard Assessment Procedure (SAP)¹⁰.
- C. For non-residential buildings, energy demand and Target Emissions Rates will be established using the National Calculation Methodology (NCM)¹¹
- D. Unless it is proposed that the building will be heated by gas, the modelled demand and emissions should be modelled on an electric heating system.

2. Reducing energy demand

- A. The Energy Statement must set out the measures taken to reduce energy demand. This will include:

Orientation and layout

- B. By ensuring passive design elements are optimised to reduce the need for artificial lighting, heating and cooling, the design of buildings can play a significant role in reducing a building's overall energy demand. It is also important to balance this

¹⁰ [SAP 10.2](#) (at the time of publication of this SPD).

¹¹ Calculations may be carried out by either dynamic simulation model (DSM) or Simplified Building Energy Model (SBEM).

approach by minimising overheating in the summer. See the guidance below on [overheating](#).

- C. **Site layout and relationship between buildings and adjacent uses** - All development should maximise the potential for passive solar gain¹². Early in the design process the site layout, landscape and relationship between buildings should be considered in relation to the aim to maximise the capture and use of passive solar energy whilst avoiding excessive solar gain in summer. It is important to avoid the over-shadowing of the solar orientation of buildings. Site layout should also use landform and landscape to provide shelter to minimise heat losses in winter and adequate shade in summer.
- D. **Building orientation and form** - To minimise heating, lighting and cooling demands, all development should use building orientation, form and the layout of rooms to ensure those spaces that require most warmth and daylight receive most passive solar gain and those spaces that need least warmth/daylight receive least. Use of a simple external building form (minimising surface area in relation to volume) can reduce heat loss. Where site constraints restrict suitable orientation or form, the Council will expect innovative techniques or approaches to be used to maximise daylight and increase solar gain, for example the use of sun pipes¹³.
- E. **Residential solar gain** - If possible building axis should be orientated in an east-west direction to provide optimum solar gain. This can reduce a home's heating and cooling costs by up to 85%. Where possible, habitable rooms (such as living rooms and bedrooms) should be located on the south elevation to maximise heating and light from the sun, particularly in the winter. Potential for excessive gain in the summer should however be taken into account. On sites where buildings are orientated on a north-south axis, they should be angled to maximise heating in the morning and evening when it's needed most. This will also help minimise overshadowing between buildings due to the shadow angle created by the sun's path. It is preferable if habitable rooms are on the west elevation to maximise light and heating later in the day.
- F. **Non-residential solar gain** - Commercial properties are usually occupied during the day and often need to minimise solar gain because of heat intensive uses (such as computer use). An east-west axis is preferable with glazing on the north elevation to maximise light and prevent excessive heat gain.
- G. To avoid overheating in summer months buildings should incorporate design to allow shading, support shading devices and use green infrastructure in surrounding spaces to increase shading (see guidance on overheating at page 16).
- H. **Provide thermal mass and storage** - Thermal mass involves using the mass of the buildings to moderate the temperature. It should not be confused with insulation and u-values; it is a passive design feature, not a method of insulation. Materials

¹² Making the best use of solar energy to heat and illuminate buildings

¹³ Sun pipes are a natural lighting system that channels natural daylight from roofs to indoor environments.

have a capacity to absorb and store heat and ultimately release it when it is cooler. It is of most value when there are temperature fluctuations, i.e. between day and night. Materials such as concrete and bricks have a higher thermal mass and others such as timber have a low thermal mass. However, the design and use of thermal mass will depend on context and needs to be considered in relation to the specific building. For example, in highly insulated buildings, with some mechanical ventilation (such as Passivhaus) there will be less temperature fluctuations and high thermal mass could cause potential for overheating.

- I. **Provision of natural ventilation** - This is the process of supplying and removing air through an indoor space without using mechanical systems. This enables the flow of external air to an indoor space as a result of pressure or temperature differences.
- J. **Planting and soft landscaping** - Vegetation, trees, green roofs and green walls are also important for reducing energy required to cool buildings. They provide shade and stabilise microsystems. Trees can also help with CO₂ absorption and they trap particles so have an air quality benefit.

3. Improving Energy efficiency

- A. The Energy Statement must set out the measures taken to increase energy efficiency. This will include:

Fabric First approach

- B. Once the demand for energy has been reduced, measures to make the best use or most efficient use of energy should be considered. The energy efficiency of a building is influenced by the use of space, insulation and materials within a building. Making the building fabric perform more efficiently tends to be those measures which fall within building regulation process. This means that proposed buildings should have external walls, roofs, floors, windows and doors that are super insulated, airtight and wind tight. Window and doors should incorporate high performance glazing.
- C. **Insulation** - Thermal insulation is an important way of improving energy efficiency by reducing the heat losses through the fabric of the building. The thermal insulating properties of building structures are compared using U-values¹⁴. The U-value is a measure of how readily heat will flow through the structure and describes how much energy in watts (W) can pass through material from inside to outside. The lower the U-value, the less heat is transferred through it, so the more efficient it is. The most efficient buildings have a continuous insulation around the building envelope.
- D. **Air-tightness** - An airtight building envelope is draught-free, so ensures high energy efficiency and internal comfort. To enable a continuous air tight barrier, gaps

¹⁴ The U-value is a measure of how readily heat will flow through the structure, and describes how much energy (Watts) can pass through 1m² of material from inside to outside at a temperature differential of 1 Kelvin (K).

in the fabric should be minimised. Measures include sealing joints and gaps around windows and door frames. Reducing the air permeability of the fabric requires controlled ventilation to minimise build-up of moisture, CO₂ and other internal pollutants. For low energy homes an air permeability of 3m³/h.m² @50pa or below should be targeted to enable efficient heat recovery ventilation.

- E. **Thermal bridging** - This is where heat is lost through a material that is more conductive than the surrounding materials, such as a metal fastener or concrete beam, or where a wall meets an external wall. Significant thermal bridges should be designed out.

Other energy efficiency measures

- F. In addition to changes to the fabric of the building the Council will expect internal lighting, services and appliances to be energy efficient.

4. Energy demand and emissions before onsite energy generation is included.

- A. The Energy Statement must include a calculation of the energy demand and carbon emissions for the proposed development **before onsite renewable, low and zero-carbon generation is included.**
- B. For residential buildings, energy demand and Dwelling Emission Rates (DER) will be established using the most recent version of the Standard Assessment Procedure (SAP).
- C. For non-residential buildings, energy demand and Building Emission Rates (BER) will be established using the National Calculation Methodology (NCM)

5. The minimum onsite energy generation requirement

- A. The Energy Statement must establish the minimum requirement for onsite renewable, low and zero-carbon energy generation. This will be equal to 10% total energy demand, as calculates at Step 4 (above).

6. Onsite renewable, low and zero-carbon energy technologies

- A. For buildings to maximise carbon reduction and move beyond building regulations towards net zero carbon, the residual energy requirements (once the design and fabric of new development has minimised the energy needed for heating, cooling and powering) should be supplied as efficiently as possible using renewable, low and zero-carbon energy.
- B. Zero carbon technologies are those that harness renewable non fossil fuel energy to create heat or generate electricity. They are called zero carbon because they produce no carbon dioxide (CO₂) emissions when producing heat or power. These technologies are sometimes referred to as micro generation, producing heat or energy locally on a small scale. Low carbon technologies are those that use fossil fuels in a highly efficient way.

Using low carbon heating and cooling systems

- C. Heating is the most essential component of the UK's current residential energy consumption. Gas boilers make a large contribution to the greenhouse gas emissions from homes. Alternative heating systems are therefore encouraged, such as heat pumps. Heat pumps are generally more energy efficient than standard panel heating, particularly if used on a communal scale (small number of dwellings or a block of flats)¹⁵. The siting of air source heat pumps on buildings should be carefully considered to take account of potential noise impacts.
- D. On a larger scale, a heat network or district heating distributes heat generated at a central location to a number of residential and non-residential buildings. The Climate Change Committee estimates that if the UK is to meet its carbon targets cost effectively, around 18% of UK heat will need to come from heat networks¹⁶. Various sources of heat can be used. A district heating scheme provides heat from a central source and distributes it to multiple buildings. Electric heat pumps and/or renewable energy are heat sources that are becoming increasingly popular in heating networks and are key in the move towards net zero carbon buildings.
- E. It is essential that heat networks are installed and operated appropriately. Design of heat networks should achieve the best practice standards of the ADE & CIBSE Code of Practice for Heat Networks. Impact on air quality must also be taken into account.
- F. In Adur there are currently no existing district heating networks, so connecting to existing networks is not possible. However, the Council recommend that large-scale development seeks to establish district heating networks and if this is not feasible, applicants should at least consider installing heating and cooling equipment that is capable of connection at a later date. Large-scale mixed use development is most suitable because it enables good anchor load and diversity of heat demand. To facilitate the consideration of district heating potential all major new development should assess the feasibility of providing new district heating network. The Council recognises that low temperature, fossil free district heating is the most sustainable option.

Incorporating renewable energy

- G. The use of onsite renewable technologies is encouraged to increase CO² emissions, particularly for those developments seeking to achieve net zero carbon developments. The table below sets out a list of renewable energy technologies and their suitability in Adur. It is acknowledged that new technologies may also be developed so the Council will also consider alternative proposals if relevant.

¹⁵ Useful information about the efficiency of different heat pumps from the British Research Establishment (BRE): <http://www.bregroup.com/heatpumpefficiency/index.jsp>

¹⁶ Heat Networks www.gov.uk/guidance/heat-networks-overview.

Overview of renewable technologies and suitability in Adur:	
Renewable Technology	Suitability
Solar PV	Yes
Micro Wind	No, unlikely to be economic because of poor energy yields experienced in practice.
Large scale wind	Yes, if in a suitable location and allocated in a local plan.
Biomass boilers	Unlikely to be supported within an Air Quality Management Area or where it may impact on residents unless it can be clearly demonstrated that there will be no adverse impact on air quality.
Solar thermal	Yes
Air source heat pumps	Yes, where communal solutions are not possible
Ground source heat pumps	Yes, where communal solutions are not possible
Water source heat pumps	Yes, best suited to large scale communal heating solutions

H. The feasibility of the renewable energy proposal should be considered in relation to the site context. Where relevant, appropriate licenses should be sought from the regulation body. For example water and ground source heat pumps may require licenses from the Environment Agency in some instances. It is recommended that early discussions take place with the relevant organisation to ensure the appropriate technology is selected in the appropriate location.

Feasibility and viability

- I. If an applicant does not consider it feasible to meet the minimum requirement for onsite renewable, low and zero-carbon technologies, the Energy Statement must demonstrate that all options have been explored and appraised.
- J. If an applicant does not consider it viable feasible to meet the minimum requirement for onsite renewable, low and zero-carbon technologies, the Energy Statement must be accompanied by a full open-book viability appraisal clearly demonstrating that this is the case.
- K. The Council may seek independent advice to review the feasibility and/or viability evidence submitted. The cost of this review will be borne by the applicant.

- L. The Council will consider the potential benefits of a development by weighing these against the resulting harm from non-compliant development.
- M. The Council will expect applicants to identify and install those measures that are feasible and/or viable.
- N. Where development is phased, the Council may require a review of viability and/or feasibility evidence.

7. Energy demand and emissions before onsite energy generation is included.

- A. The Energy Statement must include a calculation of the energy demand and carbon emissions for the proposed development **after onsite renewable, low and zero-carbon technologies included.**
- B. For residential buildings, energy demand and Dwelling Emission Rates (DER) will be established using the most recent version of the Standard Assessment Procedure (SAP).
- C. For non-residential buildings, energy demand and Building Emission Rates (BER) will be established using the National Calculation Methodology (NCM).
- D. The Energy Statement should clearly state the proportion of energy demand which is met from onsite renewable, low and zero-carbon technologies, and reductions in greenhouse gas emissions beyond building control requirements.

8. Overheating

- A. Overheating is an increasingly significant issue and is expected to worsen significantly with climate change. When applicants address the guidance in the energy reduction section of this SPD to maximise solar gain and improve the fabric performance of buildings, it is essential this is considered alongside measures to reduce overheating. High indoor temperatures can have a detrimental impact on quality of life and excessive or prolonged high temperatures significantly affect the health and well-being of occupants. There are approximately 2,000 heat related deaths each year in the UK. In urban areas summer temperatures are predicted to rise by between 2 and 4 degrees by 2050¹⁷.
- B. The 'urban heat island effect' is a phenomenon whereby urban temperatures are higher than the surrounding rural areas due to heat being stored and 'trapped' within building structures. The result is urban centres that can be a lot warmer than the surrounding countryside, especially at night. According to the South East Climate Change Partnership the urban heat island currently adds up to a further 5-6°C to summer night temperatures and will intensify in the future. Consequently, overheating of the external environment needs also to be addressed and developers must have regard to the heat island effect on any urban development.

¹⁷ UKGBC (2020) Policy play book: <https://www.ukgbc.org/wp-content/uploads/2020/03/The-Policy-Playbook-v.1.5-March-2020.pdf>

- C. Air conditioning is often used to cool buildings, particularly offices. However, this increases carbon emissions and is costly for consumers to purchase and maintain. Therefore other mitigation measures should be prioritised.

Cooling Hierarchy

- D. To minimise overheating, applicants are encouraged to follow the cooling hierarchy set out below:

The cooling hierarchy:



- E. It is recommended that thermal modelling is used to understand the performance of a proposed new development, with buildings designed and built to meet CIBSE's (Chartered Institute of Building Service Engineers) latest overheating standards. As part of this, consideration should also be given to future climate scenarios, for example using CIBSE future weather data. Where officers have concerns about the potential for overheating, a planning condition may be used to secure overheating analysis, for example for a sample of units on a site.

Passive design

- F. Whilst solar gain helps minimise energy use (see [energy reduction](#) above) it is important it is controlled to prevent overheating. Different measures of solar control include considering the size, type and location of window openings and glazing, the use of shading devices (such as brise soleil¹⁸) and the use of green roofs and shading for shading and evaporative cooling.
- G. Roof design and planting of vegetation can reduce solar glare, whilst still allowing in daylight and warmth from the sun. Building fabric measures (as detailed in the [energy efficiency](#) section of this SPD) also help cooling. A well-insulated, airtight building prevents heat penetrating and minimises uncontrolled air permeability. Using materials with high thermal mass, stores heat in the day and dissipate it at night, usually via a ventilation system.

Passive/natural cooling

- H. The next stage in the hierarchy is using natural ventilation to circulate natural air around a building, without the use of a mechanical cooling system. It should be noted that there may be circumstances (such as proximity to noise or air pollution sources) where this is not suitable so the local context is important. Some of the different techniques that can be used include:

¹⁸ A device, such as a perforated screen or louvres, for shutting out direct or excessive sunlight.

- Cross ventilation- Simple passive cooling with openable windows.
 - Passive stack ventilation- Uses ducts to circulate air around the building. Brings cool air in and expels warm air from the top of the building.
- I. Single aspect dwellings should be avoided for all schemes as effective passive ventilation can be difficult or impossible to achieve. Windows and/or ventilation panels should be designed to allow effective and secure ventilation. In winter when passive ventilation is not required vents can be closed.

Mixed mode cooling

- J. The third stage of the hierarchy encourages the use of local mechanical ventilation/cooling where required to supplement the above measures using (in order of preference): firstly low energy mechanical cooling (e.g. fan powered ventilation with/without evaporative cooling or ground coupled cooling); Secondly, air conditioning, which is not a preferred approach as these systems are energy intensive. This approach provides more control over the internal temperature.

Mechanical ventilation/cooling system

- K. This approach involves using a whole building mechanical ventilation/ cooling system, such as using air conditioning throughout an office building. This approach should be the last resort and the lowest carbon systems should be used.

9. BREEAM assessment

- A. For non-residential buildings, a BREEAM design stage assessment must be submitted. The minimum standards are:
- **Excellent** for non-residential development in the Shoreham Harbour Regeneration Area
 - **Very good** for development elsewhere in the Adur Local Plan area.



Appeal Decision

Site visit made on 4 December 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/Y3805/W/23/3323554

11a West Street, Shoreham BN43 5WF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roland Ham-Riche against the decision of Adur District Council.
 - The application Ref AWDM/1846/22, dated 11 November 2022, was refused by notice dated 2 February 2023.
 - The development proposed is the part demolition of former nightclub building and conversion into single dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the part demolition of former nightclub building and conversion into single dwelling house at 11a West Street, Shoreham BN43 5WF in accordance with the terms of the application, Ref AWDM/1846/22, dated 11 November 2022, subject to the conditions within the attached Schedule.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions, the parties have been provided with an opportunity to comment on the revised Framework.

Main Issues

3. Whilst I note the single reason for refusal, from the wider evidence, the main issues are:
 - whether the proposal preserves or enhances the character or appearance of the Shoreham Conservation Area (CA);
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with regard to outlook; and
 - whether suitable living conditions would be provided for future occupants of the development and occupants of No 11 West Street (No 11), with regard to external space.

Reasons

Conservation Area

4. The appeal site is located to the rear of No 11 and consists of a two-storey building. The site is within the CA, which covers the town centre. The rear gardens of properties in West Street forms the boundary of the CA. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The CA is focussed on the town centre of Shoreham, including the narrow streets leading away from the High Street. These streets have a narrow, linear form, as seen within West Street. West Street is primarily characterised by terraced dwellings positioned to the back edge of the footway each side of the road. Development is typically two-storey in scale and there is a prevalence of Georgian-style buildings, particularly to either side of the site. Therefore, the significance of the CA, insofar as it relates to this appeal, lies in the manner in which the range of historic buildings of varying types and ages reflect the town's evolution over time.
6. The existing building at the site is an uncharacteristic feature within the rear gardens. There is a larger building to the rear of Numbers 19 to 21B West Street, although this is accessed via High Street and outside of the CA. The building is largely concealed from West Street by the frontage development, but can be seen fleetingly from the High Street beyond the car park and properties to the rear. The existing building has an uneasy relationship with its surroundings given its unsympathetic material finish and its unconventional form. Whilst discreetly positioned, the building has a negative effect on the significance of the CA in its current form.
7. The proposal seeks to convert the building into a dwelling and alter the exterior through the replacement of the unsympathetic external materials and alterations to the fenestration. In addition, parts of the building would be removed reducing the overall built form at the site. The works to the exterior would significantly improve the appearance of the building, and would retain the attractive flint wall to the boundary with the adjoining car park. Furthermore, the removal of some elements, including the removal of the single-storey feature to the side of the building, would simplify its form and improve the relationship the building would have with the surrounding development. Consequently, the proposal would enhance the appearance of the CA.
8. The presence of a residential property in a backland position would be unusual within the locality. However, as the area is predominantly in residential use, an additional residential property would not be at odds with the prevailing character of development in the area. The proposal would therefore preserve the character of the CA.
9. I conclude that the proposal would preserve and enhance the character and appearance of the CA. The development therefore accords with Policies 15, 16 and 17 of the Adur Local Plan (2017) (the ALP), which collectively require development to be of a high standard of design, respecting its context and preserve and enhance the character and appearance the historic environment,

including Conservation Areas and the Framework which seeks to conserve the significance of designated heritage assets.

Living conditions - outlook

10. The existing building is in close proximity to No 11 and No 13 West Street (No 13) and forms part of the side boundary with the adjacent property. Given its scale and position, the building dominates the rear of No 11 and No 13 and is an overbearing feature.
11. The removal of part of the building closest to the neighbouring dwellings would increase the space between the building and these properties. The increased separation distance would diminish the dominance of the building and would improve the outlook from the surrounding dwellings.
12. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties. The proposal would therefore accord with Policy 15 of the ALP, which seeks to ensure that development would not have an unacceptable impact on adjacent properties and the Framework which seeks to provide a high standard of amenity for all existing and future users.

Living conditions – amenity space

13. The proposal would subdivide the rear garden of No 11. The Development Management Standard No. 1 Space Around New Dwellings and Flats (DMS1), sets out the guidance for the garden areas for new dwellings. There is no indication that DMS1 has been formally prepared, including whether any consultation has been carried out, and has the status of a Supplementary Planning Document. Nevertheless, the DMS1 is a useful starting point for the provision of garden areas for new dwellings. For a detached three-bedroom dwelling, the guidance requires 85 square metres.
14. It is agreed between parties that No 11 would retain an area of 81 square metres and the proposed dwelling would have an area of 50 square metres, which are below the standards set out in the DMS1. However, the gardens would be of a size commensurate with those of the surrounding properties, which are within an urban environment where external space is more limited. Furthermore, the layout of the gardens would provide sufficient external space for existing and future occupants of No 11 and the development.
15. I conclude that the proposal would provide suitable living conditions for future occupants of the proposed dwelling and No 11. The proposal would therefore accord with Policy 15 of the ALP, which seeks to include a layout and design which take account of the potential users of the site and the Framework which seeks to provide a high standard of amenity for all existing and future users.

Other Matters

16. The conversion of the building for residential purposes would increase activity at the site, including within the internal passageway to the side of No 11. However, any effect would be limited due to the small scale of the development. In addition, the site is within a residential area close to commercial premises and the addition of one property would not demonstrably increase noise and disturbance over and above the existing situation.

17. The dwelling would include three first floor windows, which would face towards the rear of the neighbouring properties. The windows would be positioned at a higher level above the internal floor, restricting the potential for overlooking of the neighbouring properties to occur. Given the positioning of these windows, the proposal would not result in a significant loss of privacy for occupants of neighbouring properties.
18. Concern has been raised that the proposal would not provide suitable disabled access. However, the dwelling would need to accord with the relevant standards as set out in the Building Regulations, which includes ensuring suitable access is provided.
19. The proposal would not include the provision of car parking spaces and it is noted that there is limited on-street parking available. The Council and local highway authority consider that the lack of parking would be acceptable given the accessible location of the site within walking distance of local facilities and services, including sustainable modes of transport. I see no reason to disagree with this conclusion.
20. In addition, there is a concern that No 11 could be converted into flats. The conversion of No 11 does not form part of the proposal before me, so I have not considered this matter further.

Planning Balance

21. There is no dispute between the parties that the council is currently unable to demonstrate at least a five year supply of housing land. The appellant highlights that the Council's Annual Monitoring Report states that it has a 4.8 year supply, which is below the required level of five years. The Council has not disputed this figure.
22. Paragraph 11 d) of the Framework states that in these circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, the contribution of a single dwelling to meeting housing need in the District through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed.
24. In the particular circumstances of this case, I have concluded that the proposal would not harm to the significance of the CA and would be acceptable in respect of the living conditions of future occupiers and occupants of neighbouring properties. The development would accord with the relevant policies of the development plan and the Framework. Therefore, the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conditions

25. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

26. In order to protect the character and appearance of the area, I have also imposed a condition requiring the details of the external materials to be used. As these details relate to construction works, it is necessary for this condition to be discharged prior to the commencement of the development.
27. A condition is included to provide details of the covered cycle parking and retain the provision thereafter. This is required to encourage sustainable modes of transport and improve the sustainability of the development.
28. The site is adjacent to the Shoreham Air Quality Management Area. A condition is included requiring the submission of an emissions mitigation assessment in the interests of the living conditions of future occupiers. Given the existing use of the building, a condition regarding contamination is necessary.
29. Conditions setting out the construction working hours and requiring the submission of construction management arrangements are required to safeguard the living conditions of local residents and to prevent adverse impacts on the local road network during the construction phase.
30. As the conditions relating to air quality, contamination and construction management would affect the early stages of construction, they need to be discharged prior to the commencement of the development.

Conclusion

31. The proposal would accord with the development plan as a whole and there are no material considerations, which would indicate that a decision should be made otherwise. For the reasons given above I conclude that the appeal should be allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01, PL-02A, PL-03C and PL-04A.
- 3) Notwithstanding the submitted drawings, no development shall commence until precise details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to commencement of the development hereby permitted, an emissions mitigation assessment shall be submitted to and approved in writing by the local planning authority. Any mitigation measures shall be implemented prior to first occupation and shall thereafter be retained for the lifetime of the development.
- 5) Prior to commencement of the development hereby permitted, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
 - i) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - ii) A site investigation scheme, based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures require and how they are to be undertaken; and
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction or demolition work, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency

action, as identified in the verification plan, and for the reporting of this to the local planning authority.

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development shall be carried out until it has been investigated by the developer. The local planning authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the local planning authority.

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

Monday – Friday: 0800 - 1800 Hours
Saturday: 0900 - 1300 Hours
Sundays and Bank Holidays: no work permitted

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

- 7) Prior to commencement of the development hereby permitted, including any works of demolition, a Construction Management Plan shall be 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 follows:
- i) the method of access and routing of vehicles during construction;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) the loading and unloading of plant, materials and waste;
 - iv) storage of plant and materials used in the construction of the development;
 - v) the erection and maintenance of security hoarding;
 - vi) no burning on site;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) details of public engagement both prior to and during construction works.
- 8) No part of the development hereby permitted shall be occupied until details of covered and secure cycle parking spaces have been submitted to and approved in writing by the local planning authority. The cycle parking spaces shall thereafter be retained for the lifetime of the development.

End of Schedule

This page is intentionally left blank