

# Public Document Pack

## Minutes of a meeting of the Adur Planning Committee 4 November 2024 at 6.30 pm

Councillor Dan Flower (Chair)  
Councillor Nigel Jenner (Vice-Chair)

Councillor Carol Albury  
Councillor Carolyn Fuhrmann  
Councillor Andrew Harvey  
Councillor Pauline Higgins

Councillor Gerry Thompson  
Councillor Julia Watts  
Councillor Andy McGregor

**Officers:** Interim Head of Planning and Development, Interim Planning Services Manager, Lawyer and Democratic Services Officer

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### **ADC-PC/48/24-25    Substitute Members**

There were no substitute members.

### **ADC-PC/49/24-25    Declarations of Interest**

Councillor Carol Albury declared that she would not be sitting on the committee for the second application this evening, AWDM/1069/24, 5 Hillbarn Parade, Sompting, as she had been involved in conversations with the district councillor regarding the application.

### **ADC-PC/50/24-25    Public Question Time**

There were no pre-submitted Public Questions.

### **ADC-PC/51/24-25    Members Questions**

There were no pre-submitted Members Questions.

A question was raised at the meeting by Councillor Gerry Thompson -

*The question is regarding what some residents are calling 'land grabbing', by which they mean when other residents have put fences up around a piece of public land and then, in some cases, retrospectively asked for that to be permitted as their own land, thus taking away some public land that may have been used or valued by the community. There has been a recent case which has raised some planning questions that I would like to ask a question about tonight. This example involves a piece of land on a public pathway that was in the care of the West Sussex Highways department. A resident put a fence up round the piece of land, extending their own fence to include a mature cherry tree. Once that was done, they then applied for permission from the Highways department and sent them some inconclusive photographs, not really showing the whole position, and the*

*Highways department agreed to it. Now they have applied for the final stage which is to close off that section of what is essentially a public highway.*

*The issues it has raised, in a planning aspect, is that we didn't really have any sense that this was happening. Some residents consider there wasn't proper informing of the community, some of whom may have had a view about it. Regarding possible future occurrences, is there a way of doing things differently so we can be more aware of these instances? Public land is a limited resource and a very sensitive issue. When some of this land is lost it's gone forever and I think, as time goes on, public land is going to be regarded as more and more valuable as a community and environmental resource.*

The Interim Head of Planning & Development replied -

In respect of that particular site, permission was sought and we found out about it retrospectively. The case officer made a site visit in the normal way and took photographs, which I've seen, and came to the conclusion that permission should be granted. I think the neighbours' concerns were that we didn't consult widely enough on the planning application. We met our normal criteria of consulting with the adjoining neighbours and with anyone whose land touches the site, so we consulted with 4 or 5 of the neighbours and none of those raised any comments. Because there was a wider estate impact some of the neighbours who weren't the nearest were the ones who objected. In the future we may need to consider whether we should consult more widely. The resident concerned then applied separately for a Stopping Up order. The County Council Stopping Up order procedures are that they will put up a notice. Some of the wider community saw it and then found out that planning permission had already been granted. In terms of what happens in the future, those applications will appear on the weekly planning lists that are shared with councillors. Sometimes they are proposed and sometimes they are retrospective. We don't have a policy regarding these because each individual case is different. We may see the application as a natural rounding off of a garden that doesn't have a wider impact, in which case we may grant permission. If it is something that would adversely affect the character of an area and would be a significant loss of public space, we may refuse it. We've made decisions either way in the past and I can see that in this case there was a difference of opinion. In our view it was a natural rounding off of the garden which incorporated the tree, therefore we felt the application should be granted permission. If we receive any future applications that appear that they may be controversial, and they haven't been called in, we will attempt to contact the appropriate ward councillor and draw their attention to it.

However, often these are not involving council land, they are mostly on Highways land and form part of what was the former highway. In general, the County Council won't object because they are losing one of their maintenance requirements.

Councillor Gerry Thompson commented that he was reassured by the Officer stating that the Planning Officers will consider consulting with a wider neighbourhood in similar applications.

#### **ADC-PC/52/24-25 Confirmation of Minutes**

**RESOLVED**, that the minutes of the Planning Committee meeting held on **30 September 2024** be confirmed as a correct record and that they be signed by the Chair.

#### **ADC-PC/53/24-25 Items Raised Under Urgency Provisions**

There were no items raised under urgency provisions.

**ADC-PC/54/24-25 Planning Applications**

The planning applications were considered, see attached appendix.

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The meeting ended at 8.28 pm

**Chair**

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<b>Application Number:</b>	<b>AWDM/1058/24</b>	<b>Recommendation - APPROVE</b>
<b>Site:</b>	<b>Former 51 Old Fort Road, Shoreham-By-Sea, West Sussex</b>	
<b>Proposal:</b>	<b>Application to vary conditions 1 &amp; 15 of approved AWDM/2007/21 to enable floor level of the ground floor living rooms to be set as built at 5.91 metres AOD and for the lower ground floor to be habitable</b>	
<b>Applicant:</b>	<b>Mr and Mrs David and Brenda Collins</b>	<b>Ward: Marine Adur</b>
<b>Agent:</b>	<b>Mr James Breckell</b>	
<b>Case Officer:</b>	<b>Hannah Barker</b>	

The Interim Planning Services Manager presented the application explaining that it was returning to committee after it had been deferred at an earlier meeting in September 2024. The purpose of this deferral was to seek further advice from the Environment Agency and to make them aware of the response that had come from WSP shortly before the last meeting and, in addition, make WSP aware of the Environment Agency's response. He clarified that there was a correction on page 7 of the agenda within the proposal. Where it stated 5.91 metres it should have read 5.87.

Members had queries for the Officer asking for clarity regarding some of the aspects of the report, which the Officer addressed along with the wording of some of the conditions.

There were two registered speakers who gave representations in objection to the application and one who spoke in support of it.

During debate Members expressed concern over the ability to identify if the condition not allowing the basement room to be used as sleeping space was being breached. The committee also commented that using the phrase habitable space regarding the basement could mislead future residents to believe it could be used as a sleeping area. Some Members stated they would prefer to agree to the amended floor levels but to refuse the application to have the basement suitable for habitable space. Other Members noted that the basement was a fully tanked space and that neighbours ground floor levels could, theoretically, flood before this property's basement.

A proposal was put forward to agree to the amended floor levels being approved but to retain the condition wording prescribing that the space should not be used for habitable uses and/or sleeping accommodation, to ensure the safety of the future occupants against flooding. Approval would be sought from the applicant for that to be issued as a permission. If the applicant refused it would be returned to the

committee. This was seconded and was voted on with an outcome of 3 in favour and 6 against, with no abstentions.

A proposal was put forward to accept the Officer's recommendation to approve the application. This was seconded. This was voted on with an outcome of 6 in favour, 2 against, and 1 abstention.

**Decision - Approved as recommended. The description is amended to refer to a living room floor height of 5.87mAOD. Drawing 406/20A to be included in conditions 1 & 11 and subject to the following conditions: -**

1. Approved plans [*including the ~~awaited~~-amended floor level drawing*]
2. Materials as set out in approved plans.
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification), the proposed dwelling shall not be extended or altered by means of any development as set out within Classes A, AA, B, C, D and E of Part 1 of the Schedule to that Order.

**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.*

4. The windows in the east and west side elevation of the dwellings hereby permitted shall at all times be glazed with obscured glass. No additional openings other than those hereby approved shall be inserted in the building. The privacy screens shown on the approved plans shall be installed prior to occupation and shall remain in place at all times unless otherwise approved in writing by the Local Planning Authority.

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

5. The dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. The dwelling shall not be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

**Reason:** *In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and to increase the sustainability of the development and make efficient use of water in accordance with policy 18 of the Adur Local Plan.*

6. The sustainability and energy efficiency measures referred to in the Design and Access Statement submitted with AWDM/2007/21 shall be installed before the dwelling hereby approved is occupied.

**Reason:** *In the interests of amenity and sustainability having regard to policies 15, 18 and 19 of the Adur Local Plan.*

7.

The existing trees to the north of the site within the adjacent garden shall be protected for the duration of construction works and shall not be damaged, destroyed, uprooted, felled, lopped or topped.

**Reason:** *In the interests of visual amenity and the environment and to comply with policies 15 and 30 of the Adur District Local Plan.*

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

**Reason:** *In the interests of road safety and to comply with Policy 15 of the Adur Local Plan.*

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

**Reason:** *To provide car-parking space for the use and to comply with Policy 15 of the Adur Local Plan.*

10. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan. Reason: provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

11. **The development shall be carried out in accordance with the submitted floor levels shown in drawing [ 406/20, ~~dated August 2024~~ insert amended drawing number and that this updates that of the Flood Risk Assessment] and the following mitigation measures it details:**

**The room on the lower ground floor (labelled as ‘flexible room’ on drawing no.058, revision A at Appendix C of the Flood Risk Assessment and insert amended drawing number ) shall not be used at any time for sleeping accommodation.**

**Clear internal access is provided from the lower basement to the upper floors.**

**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 development and future occupants.*

12. Prior to installation details of the proposed air source heat pumps and the associated acoustic information shall be submitted to and approved by the Local Planning Authority, and shall be installed in accordance with such approved details and remain in place and maintained at all times unless otherwise approved in writing by the Local Planning Authority.

**Reason:** *In the interest of residential amenity and to accord with Policy 15 of the Adur Local Plan.*

13. Work shall be carried out in accordance with the drainage and soakaway and technical plans hereby approved and details contained in the email from Simon Dent Associates dated 29th November 2022. These shall be complied with at all times unless otherwise approved in writing by the Local Planning Authority.

**Reason:** *To ensure adequate drainage and to comply with the National Planning Policy Framework and policy 36 of the Adur Local Plan.*

14. In addition to the approved plans listed above the following plans approved under AWD/2007/21 shall be complied with at all times: -

Existing and Proposed Block Plan 02 - received 8th November 2021

Existing Digital Survey 03 - received 8th November 2021

FRA - received 13th December 2021

Height Comparison Plan 08 - received 9th December 2021

Proposed site plan 04D - received 10th February 2022

Existing and Proposed Location Plans 01 15th August 2023

Existing and Proposed Block Plan 02 15th August 2023

Proposed Elevations 05C 15th August 2023

**Reason:** *For the avoidance of doubt and in the interests of proper planning.*

## **Informatives**

1. The developer should be aware that pulverised fuel ash (PFA) has been identified on Shoreham Beach. This is a potentially contaminative material, which can present as grey and ashy in nature or as small, black, coal-like deposits. It is the responsibility of the owner and developer to establish the extent of such material on the site and to carry out appropriate remediation where necessary.
2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is advised to contact the operator of the street lighting pole to organise the moving/relocation works.



4. The applicant is advised that in addition to obtaining planning permission they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>  
Online applications can be made at the link below, alternatively please call 01243 642105.  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>
5. Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) or email [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)
6. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water Developer Services, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) or email [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)
7. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage:  
<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>  
A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions.

8. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
  
9. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new, or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: [www.adur-worthing.gov.uk/naming-and-numbering](http://www.adur-worthing.gov.uk/naming-and-numbering) Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: [llpg@adur-worthing.gov.uk](mailto:llpg@adur-worthing.gov.uk).

<b>Application Number:</b>	<b>AWDM/1069/24</b>	<b>Recommendation - REFUSE</b>
<b>Site:</b>	<b>5 Hillbarn Parade, Sompting</b>	
<b>Proposal:</b>	<b>Demolition of single storey storage building (Class B8) (Retrospective) and construction of a brick-built studio bungalow (Class C3)</b>	
<b>Applicant:</b>	<b>Mr M Steele</b>	<b>Ward: Cokeham</b>
<b>Agent:</b>	<b>Mr C Geddes</b>	
<b>Case Officer:</b>	<b>M. O’Keeffe</b>	

*Councillor Carol Albury absented herself from the committee for this application.*

The Interim Planning Services Manager presented the application explaining it was for the removal of a modular building, which itself had replaced a timber shed used for commercial purposes, and to replace it with a brick built dwelling. He clarified that a previous application to retain the modular building for residential purposes had been refused because of noise exposure.

There was one registered speaker who gave a representation in support of the application.

During debate Members concurred that this structure would provide poor quality living accommodation and would be in contravention to the local plan.

There was a proposal to accept Officers recommendation. This was seconded and voted on with an outcome of unanimously in favour.

**Decision - Refused as recommended for the reason:-**

1. The development, by reason of its siting, appearance, proximity to the A27 and cramped relationship with neighbouring properties, would be out of keeping with the pattern of development locally resulting in harm to the character of the area. It is also exposed to excessive levels of noise, and the proposal, which relies upon several windows which are closed and with limited other windows, the acoustic and ventilation effects of which are uncertain, would lead to a poor design and a poor quality living environment detrimental to occupiers’ living conditions. It is therefore contrary to policies 15 and 34 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework and NPPG.

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