



**ADUR DISTRICT
COUNCIL**

Report by the Director for Economy

Planning Applications

**Planning Committee 2019
Agenda Item 5
Ward: ALL**

Key Decision: Yes / No

1

Application Number: AWDM/1281/19

**Recommendation – Delegate to
Head of Planning for Final
Approval of Amended Plans
and Materials**

Site: Mannings, Surry Street, Shoreham by Sea

Proposal: Demolition of existing building and structures and construction of building ranging in height from three to six storeys providing 74 residential units comprising 28no. 1 bedroom, 40no. 2 bedroom and 6 no. three bedroom units, including 27 car parking spaces 3 of which are wheelchair accessible, 86 cycle parking spaces, amenity space, soft and hard landscaping and associated ancillary facilities.

2

Application Number: AWDM/1119/19

Recommendation – Refuse

Site: Land west of 51-63 Southview Road, Southwick

Proposal: Demolition of 53 and 55 Southview Road and construction of 4 No. 3 bedroom terrace and 4 No. semi-detached dwellings and 2 no. 4 bed detached dwellings with new vehicular access from Southview Road and associated parking and amenity areas.

3

Application Number: AWDM/1258/19

Recommendation – Approve

Site: Marquis of Granby, West Street, Sompting

Proposal: Proposed new single storey wedding/function room in rear beer garden. (Resubmission of AWDM/0461/19)

4

Application Number: AWDM/0567/19

Recommendation –Approve

Site: Land north of Shoreham Fort, Shoreham

Proposal: Creation of WWI memorial training trench on land adjacent to Shoreham Fort.

5

Application Number: AWDM/1515/19

Recommendation – Approve

Site: Beach Green, Brighton Road, Lancing

Proposal: Provision of 8 no. 5m high LED mid-hinged tubular light poles.

Application Number: AWD/1281/19

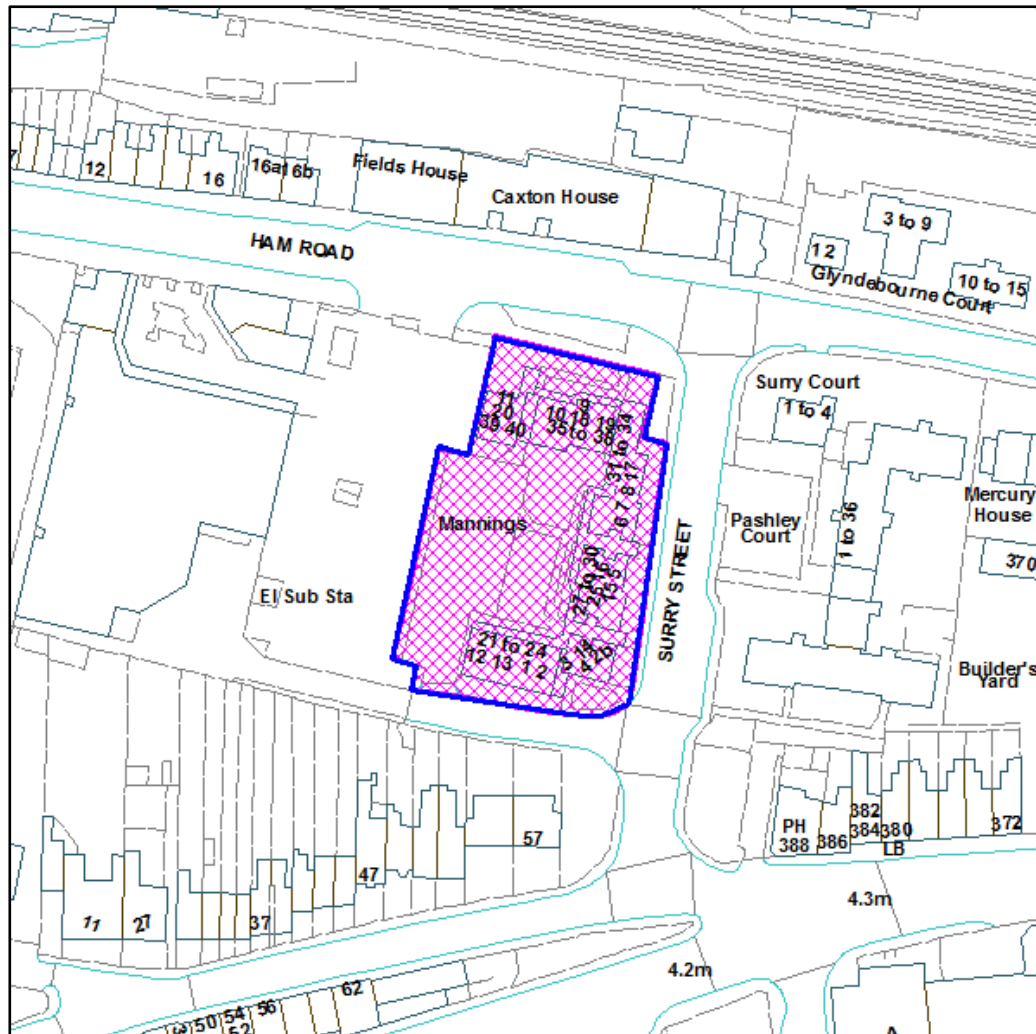
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Applicant: Southern Housing Group
Case Officer: Stephen Cantwell

Ward: St Mary's



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Introduction

At the meeting of 11th November, the Committee resolved to approve the above planning application for redevelopment of the Mannings by the Southern Housing Group, by the construction of a replacement block of 74 flats of between three and six storeys in height, subject to the completion of a S106 agreement and the satisfactory comments of Environmental Health. The Committee also resolved that during the delegation period further work should be undertaken, to introduce greater visual interest and detailing in the principal elevations, it also requested more information about the proposed materials.

Following this, the architects and Officers have discussed several possible changes, among them: the design and alignment of balconies and entrance porches; the use of brickwork detailing, including the extent of projected courses 'corbelling' at ground floor; different colours for bricks and windows and also whether render might be introduced.

Changes

Whilst discussions are continuing, the following changes have been agreed by the architects and images of many of these are appended below:

- i. Use of a double-height entrance 'portic' at the Surry Street entrances
- ii. Balconies at Surry Street are set back 150mm from the facade, by increasing the depth of the frontage by a half-brick distance
- iii. First floor balconies at the southern and northern corners to Surry Street and Ham Road are now frame-type rather than brick fronted
- iv. Windows above these corner balconies are repositioned and centralised
- v. Juliette-type openings are added to the Ham Road bay frontages, with amended window placings, new external railings and removal of darker brick tone.
- vi. Light grey window and door frames and panels now replace the earlier bronze-coloured version
- vii. 'Soldier course' brickwork has been variously introduced or emphasised at the ground floor and upper parapets
- viii. At the southern service road frontage perforated metal balcony screens are to be shown, together with continuation of ground floor corbelling

The slight in-setting of the balconies and design changes at the two main corners, has produced a slightly greater sense of articulation or shaping of the main facades, and a lighter mass to the first floor corners. The entrance 'portics' which stand proud of the main façade and support part of the first floor balcony have created much bolder entrances; their contrasted lighter colour against the brickwork would enliven the street frontage.

At the Ham Road frontage the newly proposed Juliette windows and railings on the two bays creates a more domestic appearance than previously. Windows have also been narrowed and centralised to create a more even rhythm and the darker brick is replaced by the lighter brick to reduce the previous sense of visual 'heaviness'.

At the southern elevation, perforated metal balcony screens along with the corbelled ground floor brickwork will add greater texture. More subtle brickwork detailing is

provided by soldier courses at the tops of the ground floor corbels, and the tops of the bays and the roof-top parapet.

Through discussions and review of alternatives, the preferred brickwork palette now comprises a mottled, sandy-red mix for the main brick, contrasted with heather-red tone brick for the upper floors and recesses. This is influenced by the range of existing buildings in Surry Street, New Road and Ham Road. Bolder reds and darker contrasted tones were not preferred as these tended to exaggerate the overall mass. Light grey windows, frames and panels are closer to the traditions of painted joinery than the bronzed colouring originally proposed and creates a more lively contrast with the brickwork

These changes are all considered positive steps in creating greater visual interest and closer harmony with the surroundings. It is intended that further images and information about materials will be provided for the Committee meeting along with any update following the conclusion of discussions.

Recommendation: It is recommended that authority be delegated to the Head of Planning to secure the signing of a S106 legal agreement and await the receipt of satisfactory comments of Environmental Health and the conditions as agreed at the last meeting.

Appendix

RESPONDING TO PLANNING COMMENTS 26.11.2019

Addressing the following points:

- 1) Brickwork ground floor plint removed from entrances and corners
Entrance portic proposed to increase facade perception of depth
Better legibility of residential entrances
Double height portic with incorporated balcony balustrade
- 2) Balcony slabs 150mm set back from brick faces
- 4) Light grey window frames for comments
- 5) Option 1 brick palette kept

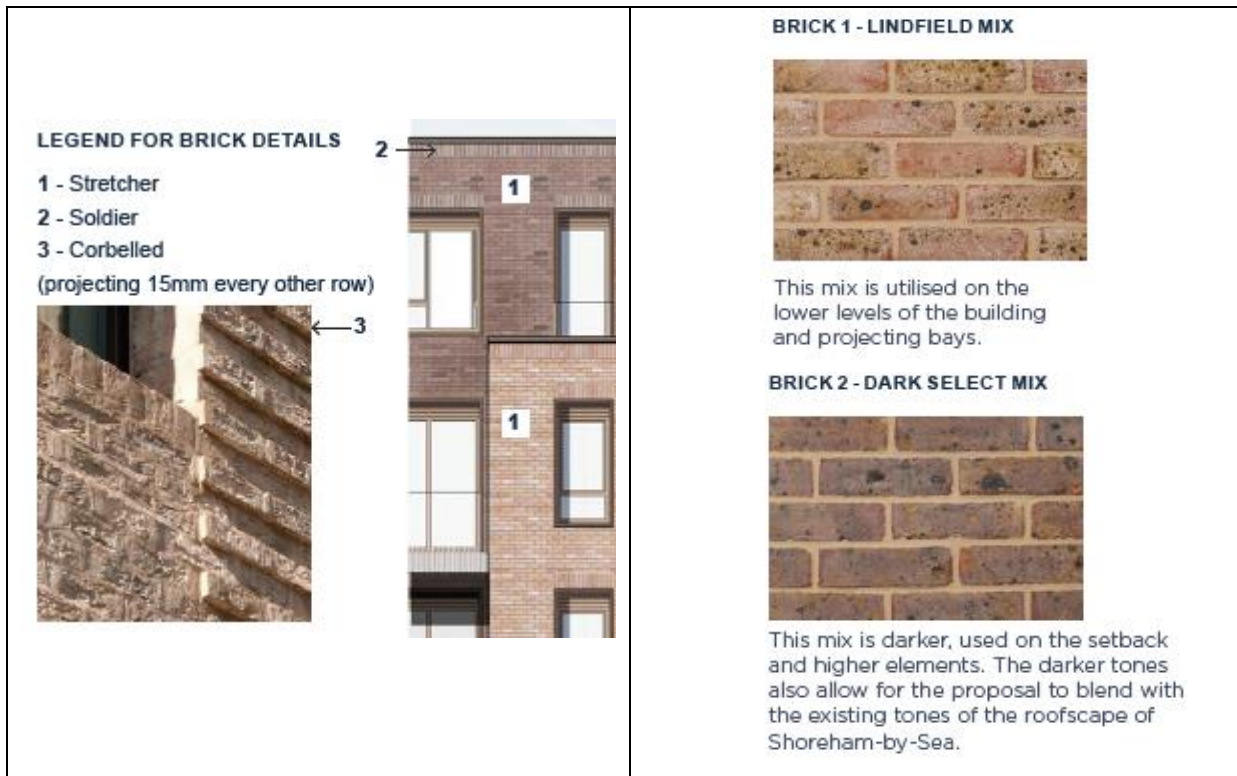
PRECEDENTS - ACTON GARDENS (BY PCKO)



Surry Street: Proposed 'Portic' Entrances and Light Grey Frames (above)



Ham Road: revised bays and windows with Juliette balconies & corbelling



Proposed Brick Colours and Brick Detailing (above)



Not pursued – Alternative Brick Colours

9th December 2019

Application Number: AWDM/1119/19

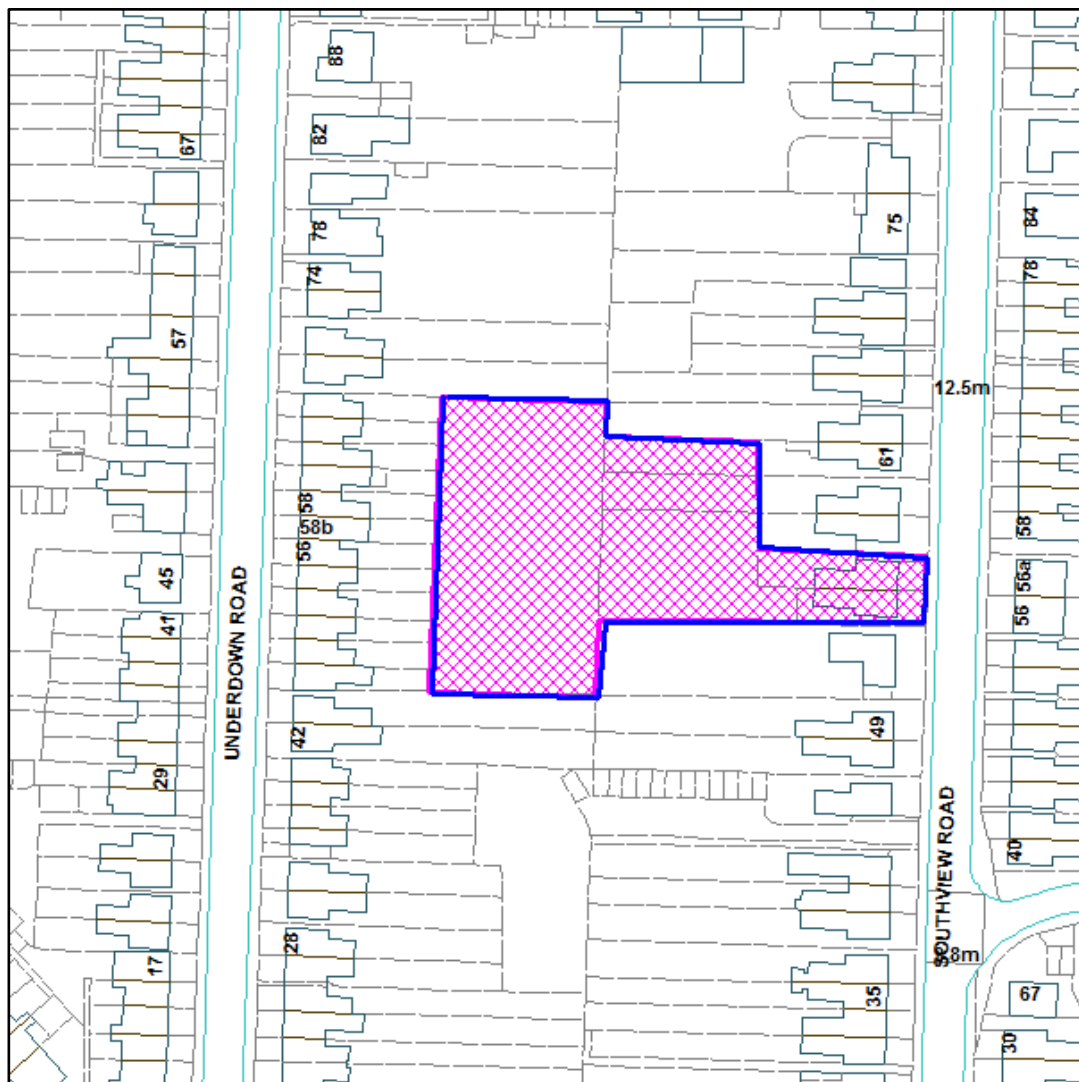
Recommendation – REFUSE

Site: Land West Of 51 To 63 Southview Road, Southwick

Proposal: Demolition of 53 and 55 Southview Road and construction of 4 No. 3 bedroom terrace and 4 No. semi-detached dwellings and 2 no. 4 bed detached dwellings with new vehicular access from Southview Road and associated parking and amenity areas.

Applicant: S D Holdings Ltd
Case Officer: M. O'Keeffe

Ward: Southwick Green



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Site and Surroundings

This site lies between Southview Road and Underdown Road. It is an open green field, never developed, which has been enlarged in areas by incorporating parts of some Southview Road properties gardens, Nos. 53-61 (odd). Access to the application site is between Nos. 51 and 53 Southview Road. The site is not in a conservation area and there are no listed buildings in the immediate vicinity. The site and beyond has a history of significant groundwater flooding and is believed to include underground springs.

The site is undesignated but has previously been identified in Strategic Housing Land Availability Assessment's as suitable for housing development. The latest SHLAA, December 2017 however, rejected it for the following reason:

“Although the site has previously been promoted for development through the Call for Sites exercises, a planning application has not been forthcoming and it has not been demonstrated that access constraints can be overcome in a satisfactory manner. The site is also vulnerable to groundwater flooding and this would need to be mitigated. The site is too small to accommodate six dwellings and any dwellings that may be delivered on this site will be accounted for through other monitoring.”

In the 1980's a number of applications for elderly residents accommodation were submitted and either withdrawn or refused. Application SW/54/86 for 22 elderly persons flats was also dismissed on appeal, see below.

Southview Road and Underdown Road are largely characterized by Victorian, ornate, semi-detached houses.

The houses were not built with off street parking but many properties have added this over the years. On street parking is heavy. Largely houses, a number have been converted into flats including the two houses to be demolished, 53 and 55 Southview Road, which comprise 4 flats in total. Southview Road accesses onto the Old Shoreham Road but allows a left hand turn only. Underdown Road has been blocked off from Old Shoreham Road.

The site and beyond is known to experience significant ground water flooding. Underground springs come to the surface in heavy rain both on the site and in neighbouring gardens.

SD Holdings own many properties in the area including Somerly Gardens and Mumford House and Ewart House on the old dairy site at the top of Southview Road.

Proposal

Planning permission is sought to demolish Nos. 53 and 57 Southview Road, a pair of Victorian semi-detached houses each converted into 2 flats. This creates a vehicle access to the site. A single detached house is proposed on the frontage together with a further detached house in the south west corner of the site. Two pairs of semi-detached houses are proposed on the west side of the site and north facing terrace of four houses is proposed behind the new house and No. 59.

The detached houses have a bedroom in the roof and are 4 bedrooms. Houses 1-8 are 3 bedrooms. Each house is provided with two off road frontage parking spaces. There are no visitor parking spaces shown.

The oak tree on the site, which is subject to a Tree Preservation Order, is shown to be retained as are trees on the west boundary, which may be outside the site. Elsewhere trees are to be removed.

The site is on lower ground to Southview Road. The extent of excavation proposed and its potential harm to trees to be retained or groundwater flooding is not understood at this stage.

Relevant Planning History

53-57 Southview Road and land rear

SW/11/96 - Crown Reduction (By 25%) And Removal Of Infected Limbs Of Horse Chestnut Tree (TPO 162/4/78/SW). Granted. 20.3.96

SW/18/88 - Erection of 17 Elderly Persons Dwellings. Withdrawn

SW/54/86 - Outline Application For 22 Flats For Elderly Persons Plus Warden Accommodation (Sheltered Housing Scheme). Refused 28.10.86. Appeal Dismissed.

SW/92/85 - Outline Application For 28 Flats Including Warden Accommodation For Elderly Persons In A Sheltered Housing Scheme.

SW/12/84 - Outline Application For New Building At Rear (32 One-Person, One-Bedroom Sheltered Flats etc.) With Access Rd & Conversion of Existing Buildings. Withdrawn.

No. 55 Southview Road

SW/74/89 - Conversion From Single Dwelling Into 2 X 2 Bedroom Flats. Granted 22.8.89

Consultations

Technical Services:

Latest comments:

'I have read your drainage strategy and the email you provided. I have the following comments:

1. The duration of your groundwater monitoring is insufficient. For sites of the scale in question winter groundwater monitoring is required to ensure that the peak seasonal groundwater is established. Therefore, I would kindly request that you complete winter groundwater monitoring from as soon as possible until the end of March. This is in

accordance with CIRIA, approved document H, and WSCC policy for surface water drainage.

2. You incorrectly state that when you completed the monitoring it was representatively wet. Borehole readings show that seasonal peaks were not met until late December 2018 or February 2019 (site dependant).

3. You must provide detailed results from your infiltration testing. Falling head tests are not sufficient. Therefore you will need to complete further infiltration testing. Infiltration testing must be completed in the winter, in accordance with BRE DG365 and above the peak groundwater level recorded. Further information on this is provided within the attached guidance document.

4. Surface water flow routes must be maintained through the site to ensure that flood risk is not increased elsewhere. If you do not demonstrate due regard for this, an objection will remain.

5. The drainage strategy incorrectly states that highways authorities do not adopt permeable paving. This is incorrect as of April this year, WSCC do adopt permeable paving.

6. We would not advocate the use of deep soakaways which penetrate through the clay capping layer unless it is specifically proven that groundwater will not rise to the surface. There is, in my opinion, a substantial risk that there is a confined aquifer under site which could be under artesian pressure.

7. The proposals to connect land drains to soakaways are concerning. How are you going to quantify the volume of water that could flow through these land drains into the soakaways?

8. The calculations for soakaways incorrectly allow for the base in calculations and have a low factor of safety which is not in accordance with guidance.

9. If you wish to avoid pre-commencement conditions you will need to provide information as detailed within the attached checklist. Otherwise, a condition will be requested.'

Initial objection

'Thank you for the opportunity to comment on this application. The site lies in flood zone 1 and according to predicted modelling the site is not prone to surface water flooding.

However, in very wet winters the site is seen to shed water south – possibly due to the Head deposits that GTA talk about in the drainage strategy – but equally possibly due to the ancient ditch that ran north south straight through the site and which is clearly visible on 1843 – 1889 maps, and thereafter- which GTA do not mention.

We also know that springs issue on the site and to the south of the site in the garage block access to which is between 43 and 45 Southview Road.

GTA state that there is limited infiltration in the head material – which leads to the runoff seen and then place high level car parking drainage areas at depths of only 850mm in poorly draining ground.

It is noted that groundwater monitoring was undertaken in 2018 – one of the driest winters on record and no ground water was encountered, had this test been undertaken in 2012, 2016 or indeed 2017, groundwater was issuing as springs.

I do not consider this development to be suitable in this location, there is a distinct increase in flood risk downstream, there is also the possibility of disruption to a subsurface flow path.

The Drainage report is not accurate, does not refer to historic document, or historic knowledge of the site, and suggests high level drainage in poorly drained soils – at the very least deep borehole should be considered.

Overall I object to this application.'

Subsequent comments:

'I have gone back through the consultation that has taken place in regard to the surface water drainage for this site along with historical knowledge Technical services hold. I am still of the opinion that this development will increase the flood risk based on the historic groundwater and flooding issues, the NPPF the local planning authority should ensure that the flood risk is not increased elsewhere.

Have GTA considered deep boreholes as suggested in July?'

County – Lead Local Flood Authority

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Low/moderate risk

Comments:

Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although some moderate risk exists across the site.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Modelled groundwater flood hazard classification: High risk

Comments:

The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby? Yes (Historic)

Comments:

Current Ordnance Survey mapping shows no ordinary watercourses in close proximity to the site although the proposed site is on the route of a historic ditch line. The line of the historic watercourse is shown to run along the property boundary between Southview Road and Underdown Road. It is clearly shown on the 1895 OS mapping, before any development was undertaken in the area. We know that groundwater still flows along this historic watercourse and is known to cause local groundwater flooding issues in the area.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding? Yes

Comments:

We have records of historic flooding within in close proximity of the proposed site. The groundwater issues in this area are significant. The proposed site is on the route of an historic watercourse which is known to cause problems at 'Clifton Lodge' to the south. The garage block between 43 and 45 Southview Road suffers at times from groundwater emergence and has flooded. WSCC Highways have in the past had to pump the water away to reduce the risk of flooding to adjacent property.

Future development - Sustainable Drainage Systems (SuDS)

The SuDS Drainage Statement included with this application state that permeable paving/below ground cellular soakaways would be used to control the surface water runoff from the site. No FRA has been included.

As per the recommendations by the District Council Drainage Engineer, due to the significant groundwater issues and historic flooding, we agree that this development to be unsuitable in this location.

Therefore we object to this development based on groundwater flood risk, increased downstream flood risk and increased flood risk to adjacent properties which would not satisfy the requirements of the National Planning Policy Framework.

NPPF paragraph 155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

NPPF paragraph 163. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

Environment Agency: declined to comment.

Adur Flood Risk Group (AFG):

'Adur Floodwatch Group (AFG) has been approached by the Southwick Area Residents Association (SARA) to comment upon the above application.

Knowing the drainage issues of that area, AFG strongly objects to this planning application on the following grounds.

This whole area of Southview Road and Underdown Road is located within a drainage catchment which has a high flooding risk from rising groundwater of <50 up to >75%. Please see attached the Adur Groundwater flood risk map to confirm this.

The proposed development site and the gardens around it consistently flood because of rising ground water streams every year in winter months and the pictures of these events submitted by SARA clearly and conclusively show this issue.

Having examined the Adur Technical Team's comments on these proposals, they have clearly identified the issues of lack of drainage sustainability for development of that site and AFG wholeheartedly agreed with their objection to this proposal.

The drainage report submitted by the applicant, as Adur Technical has confirmed, is flawed. The borehole infiltration tests carried out by the applicant to establish ground water levels are simply not indicative of the conditions which occur during the wet winter months of every year. Those tests have been carried out during one of the driest years on record (2018) and the conclusions drawn from their findings simply fail to reflect the true situation of these frequent rising groundwater events.

In fact, the applicant's report dismisses there is a groundwater issue for the site and basically ignores this major flood risk problem. No reference to the Adur groundwater flood risk map has been made other than the Environment Agency's surface water flood risk information which for this area show Zone 1 low flood risk.

The proposal to use crated soakaways to manage the surface water flows from the proposed properties, roofs etc, is simply not a sustainable solution when these extreme

groundwater issues occur as they do every winter. Emerging groundwater at such times will fill up these soakaways and prevent effective drainage of these properties.

With the proposed level of construction infill for the housing and the roads there can be only one outcome. Once again, as identified by Adur Technical - 'within the ground' flows which occur during every winter will experience severe displacement and cause even worse than normal flooding both downstream and to the properties around the site and indeed the site itself. It will cause the 'brick in the bucket of water' effect to the detriment of the whole area.

NPPF para 155 states

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

There is no possible way that a solution can be achieved to manage the groundwater flooding experienced annually by this site to comply with NPPF 155 and make it safe for its lifetime for the proposed new properties or for the area and properties around.

This site, it should be noted, has been consistently rejected in the regularly updated SHLAA report including the most recent one of 2018. Drainage issues have been identified as a problem within those rejections.

Contamination Issue

In their submission, SARA have indicated within their area map and commented on a pond which originally existed towards the southern end of the plot. This still becomes visible in high wet weather periods.

This pond was originally at least 4 to 5m deep and depending on weather conditions anything between 3 to 10m wide.

In the early 1990s this pond was filled in with rubbish and old radio and tvs and electronic components from a TV and Radio/Repair shop which backed onto the site in Underdown Road. These electronic items were accumulations by the shop from over 3 or 4 decades previously. Whilst this sounds anecdotal, further discussion with Southview Area Residents Association can validate this information.

The disposal of these items was pre the recycling controls which currently exist under the WEEE regulations.

Of considerable concern is the fact that such electrical items contain environmentally toxic materials like lead, mercury, phosphorous and asbestos. Over the 20/30 years since their disposal, these harmful substances may well have leached into the wider area of the proposed development site and even the areas around.

AFG alerts the authority to this issue and strongly feel there should be a site intrusive contamination assessment undertaken to understand the implications this has for the proposed development and if relevant the effect on potable water supplies.

With this in mind, copies of this submission have been copied to Adur Environmental Health, the Environment Agency, Southern Water and the District and County drainage departments.

In summary, Adur Floodwatch Group asks the District Council to refuse this application which cannot be made drainage sustainable. An approval for this development would be inappropriate and quite irresponsible in the light of the already well documented considerable flooding issues which are a constant concern to the local residents.”

Southern Water Services:

‘Please find attached a plan of the sewer records showing the approximate position of a public foul drain vicinity of the site. The exact position of the public foul drain must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- *The 100mm diameter gravity foul drain require a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.*
- *No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.*
- *No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.*
- *All existing infrastructure should be protected during the course of construction works*

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructure-charges>

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

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.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.*
- Specify a timetable for implementation.*
- Provide a management and maintenance plan for the lifetime of the development.*

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.'

WSCC Highways:

'West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for demolition of no. 53 & 55 Southview Road and erection of 10 x dwellings. In LHA comments dated 3 October 2019 further information was requested in respect to the proposed access width and swept path tracking, provision of Road Safety Audit (RSA), clarification of visibility splays and consideration to providing additional car parking.

A site visit was carried out on 1 October 2019 where light traffic levels were observed and vehicle speeds of 25-30mph. A considerable level of on-street parking was observed and resulted in a vehicle being required to edge forward to the carriageway from the access, to allow increased visibility along the carriageway. This is considered in line with Manual for Streets 2 (MfS2) guidance, paragraph 10.7.1 and 10.6.1 whereby 'parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practise' and 'vehicle exits at back edge of footway...absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously'. It is also worth noting that there is no southwards turn into Southview Road from Old Shoreham Road as Southview Road is exit only to Old

Shoreham Road. Traffic levels are therefore expected to be lighter than they could be on this 'B' classified road.

RSA

A Stage 1 RSA has been carried out on the proposed S278 works (footway crossover to

Southview Road, to lead to estate road and footway serving 10 x residential units). The applicant has stated that a Designers Response has not yet been provided and will follow when the two highways options have been reviewed.

2.1.1 - Risk of narrow access

Access is shown as 4.6m wide and concern has been raised from the auditor that two vehicles may not be able to pass within the access resulting in risk of shunt collision. The auditor recommends that swept paths are produced to show large cars can pass in access. LHA response: Previously the applicant was advised to widen the access and demonstrate swept path tracking for two cars passing. It should also be demonstrated that a refuse collection vehicle can manoeuvre into and within the site without overrunning the internal footway, this has not been demonstrated.

2.3.1 - Obstruction to visibility splay

The auditor observed on-street parking south of proposed access and notes potential for vehicles to park immediately north of site access since plot 10's driveway will be accessed from site road. Parked vehicles may restrict visibility upon a car exiting the site and result in collision. The auditor recommends Designer should determine required visibility splay and review need for waiting restrictions which could improve visibility from side road.

LHA response: The LHA note that the access arrangements for parking to plot 10 have been amended so that these are now accessed via a separate vehicle crossover (VCO) and thus it is not anticipated that a vehicle would park immediately north of the main site access. Furthermore, on-street parking is an existing practise and LHA consider that MfS advice applies in relation restricted visibility along the carriageway edge.

The LHA have been provided with highways plan showing two varying demonstrations of visibility at the site access on to Southview Road. MfS requires splay of 2.4m by 43m for new access on to 30mph road. A reduced 'X' distance of 2m is considered appropriate in lightly trafficked low speed situations. Visibility from both 2.4m back and 2m back have been demonstrated however the 'Y' splay passes through a tree north of the access in both scenarios. Nevertheless, on site it was observed that the tree did not appear to impact visibility with the width of footway providing an envelope of visibility. It is also noted that the splays have been taken to the centre line of the carriageway. MfS paragraph 7.7.5 states that where opposing flows are physically segregated the splay to the left can be taken to the centre line of the main arm. There is no physical feature in this location to prevent overtaking, nevertheless due to the presence of on-street parking it is anticipated that vehicles would be travelling some distance from the kerb edge. It should also be noted that the southern splay appears to pass through neighbouring (third party) land and thus could not be maintained in perpetuity. The LHA are mindful of the existing accesses in the vicinity which have been operating without evidence of highway safety concern. It appears to be common practise in this location for a car to edge out in line with MfS guidance. Nevertheless, the splays demonstrated

could not be conditioned and the applicant is requested to demonstrate forward visibility along Southview Road in this location to demonstrate that a vehicle travelling along the carriageway could anticipate an emerging vehicle. On-street parking should be taken account of when demonstrating this.

Conclusion

In summary the LHA require further information as set out above and in previous comments:

- Designers Response to RSA.
- Swept path tracking of two cars passing in access and of refuse collection vehicle without over running internal footway (may require access widening). Tracking should also take account of parking corridor on Southview Road.
- Consideration of additional visitor car parking.
- Provision of pedestrian visibility splays.
- Demonstration of forward visibility to demonstrate that a car travelling along Southview Road from either direction can observe a vehicle emerging from the site access.
- Confirmation that estate/access road will remain private and detailed plan of extent of dropped kerb alteration works proposed.
- Please ask the applicant for this additional information and re-consult.'

Waste Services:

'The only concern this department has with this application is that although they have provided a swept path analysis for a dustcart, we feel that residential parking will cause an issue. The road is narrow and cars will end up being parked on the road/footpath. Is there anyway some "enforceable" restriction for on road parking be put in place here. otherwise any access issues caused by poor/inappropriate parking will result in the residents waste bins not being emptied.'

Environmental Health

'Given the proximity to existing residential I would advise the following conditions:

Hours of Construction

All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.

Monday Friday

08:00 18:00 Hours

Saturday 09:00 13:00 Hours

Sundays and Bank Holidays no work permitted

Construction Management Plan

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

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

Air Quality

As this is a major application, consideration must be given to air quality issues. The applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2019). This states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact on air quality. The intention of the guidance is to identify air quality impacts through an impact assessment and ensure the integration of appropriate mitigation via an emissions mitigation assessment. The purpose of an emissions mitigation assessment is to assess the emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment.

Consultation with Public Health & Regulation is advised at an early stage."

The potential impact on the Southwick AQMA's must be considered. The assessment should also include a cumulative impact assessment - a list of relevant developments that should be included in a cumulative assessment can be supplied.

We expect an emissions mitigation assessment to be completed, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment. The emissions mitigation assessment must use the most up to date emission factors (available at <http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html>).

Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. Reference should be had to the Worthing Air Quality Action Plan (available at <https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-action-plans>).

A development such as this can have a major influence on public behaviour. For example by providing electric vehicle charge points and an electricity connection rated at least 32A and capable of taking at least a 7kW charge point in parking spaces/garages, residents and visitors can be assisted to switch to low emission

vehicles. Additionally charge points are much cheaper and easier to install during the construction phase rather than as a retrofit. Consultation with Public Health & Regulation is advised at an early stage.

Contamination

This site hasn't been identified as potentially contaminated on our mapping system based on historic land use however this allegation is a little concerning. Based on this anecdotal evidence I would recommend the precautionary contaminated land condition.

I will also advise Building Control about this allegation to make them aware when they carry out their site visits.'

County Ecologist:

'I note that further follow-up surveys are recommended at the application site based on the results of this ecological investigation. Unfortunately, these have not yet been submitted.

The key species for this site are Reptiles and Bats. The site has potential value for both. Notably, a specific recommendation has been made to survey for bats within the ivy clad trees and the two houses at the application site. This will now have to be completed to support the application and prior to determination. Whilst there might be some flexibility with reptiles (controlling through pre-commencement condition) there is none for the more heavily protected bats.

All surveys pertaining to protected species must be completed to support the planning application, (please refer to Gov't Circ 06/2005 [98&99] and the Habitat Regulations 2019). Without the bat survey it is not possible to recommend relevant conditions to avoid harm, determine whether a European Protected Species licence will be required or make an assessment under the 3 tests arising out of the Habitat Regulations.

There is unlikely to be an in principle objection but the LPA as an 'Appropriate Authority' under the Hab.R.

I recommend the gs. must have all the bat data and potential mitigation to assess prior to determination and the applicant undertakes a day time bat survey (tree climb with endoscope and external building investigation and internal investigation of all roof voids etc) and if a bat ecologist is available, undertake a single emergence survey prior to the end of August. However, if a bat is found to leave the building during this survey then two more surveys will be required and this will not now be possible this season.'

Senior Tree/Landscape Officer:

'I have taken a look at the proposals and I consider that despite the reasons given the house numbered 8 (type A 3B5P) would be too close to the TPO Horse Chestnut tree. The house's proximity will cause need for regular pruning to maintain a clearance from the building, will create considerable shade to the rear garden, and distract from the

current form of the tree, and its future amenity to the area. I consider that the area could be used for garden parking or possibly a car port but not a dwelling.'

Policy:

'In order for a site to be included in the SHLAA as having potential for residential development, we must now be satisfied that the site is suitable for development, available and achievable. The first SHLAA was undertaken in 2009 by consultants and the site was identified as having development potential as it was being promoted by the applicant at that time. All subsequent SHLAA's have rejected the site:

2009 - identified as having potential by the consultants who produced the SHLAA

2012 - rejected site to be monitored. It was rejected on the grounds that the NPPF amended the definition of greenfield sites to include rear gardens and the guidance at that time was to reject such sites.

2014 - rejected site to be monitored - in addition it had not been demonstrated that a safe means of access could be achieved.

2016 - a reassessment was undertaken for the Local Plan evidence base. The site was rejected as it was not demonstrated that access constraints could be satisfactorily overcome, the site is vulnerable to groundwater flooding and mitigation measures would be required. It was also considered too small to accommodate 6 dwellings (the SHLAA threshold)

2017 - Rejected for the above reasons.

Throughout the years, attempts were made to contact the landowner for information but this was never forthcoming.'

Representations

59 objections received mainly from Southdown Road and Underdown Road plus a petition against the development with 93 signatures summarized as follows:

Loss of trees and species habitats, horse chestnut trees are vulnerable to extinction, only one on the site is formally protected.

Greenfield site

Loss of light and light pollution

Loss of privacy

Overdevelopment of already overcrowded area due to same developer's builds to the north of the site.

Loss of outlook

Damage to property values

Noise and disturbance during build. What about our well-being?

Dangerous vehicle access

Noise from cars using access road for neighbours

Inadequate parking leading to overspill on Southdown Road which is already very heavily parked. Existing residents cannot park in the street.

Dangerous access for pedestrians, especially children, using Southview Road. Heavy lorries v dangerous too.

More pollution from more cars

Loss of four flats in former high quality Victorian houses. Replacement houses, poor aesthetic

Potential for damage to Southdown Road from lorries associated with any build. Road already sinking.

We need affordable homes not 3 and 4 bedroom homes.

Site floods, as do neighbouring gardens and the garage compound to the south. Loss of trees and grass will exacerbate this.

The site contains springs which add to the flooding. Hence no development when the surrounding houses were built. This is not simply a surface water or groundwater issue. The drainage study submitted was carried out in the driest winter for years. It is not representative and should be repeated.

This development must not block or divert the current water course as this will worsen the flood risk to neighbours.

Site is within an AQMA. Increased development will increase pollution. Losing this green space will worsen neighbour exposure to nitrogen dioxide. Where's the mitigation? Asthma deaths rising, heart attacks, strokes etc.

This green infrastructure network is a good way of improving health and biodiversity.

This green field site should be protected and development should be directed to brownfield sites.

No engagement with the community by the developer

Loss or damage to trees particularly the TPO'd oak tree adj house no. 8, and sycamore in adjacent garden.

Planting new trees is not sufficient compensation for the removal of mature trees. I am not confident the developer would do it either.

The land may be contaminated as the former owner, TV shop/repair, buried old TV's on it allegedly.

The local sewers cannot cope with more development.

Loss of security to existing houses from footpath behind proposed houses 3 and 4.

Site removed from SHLAA

Access for refuse lorries impossible due to on street parking in Southview Road.

Somerly Gardens to the north, by the same developer, is a treeless, hard landscaped development of 10 houses.

Somerly Gardens is experiencing drainage issues with sewerage coming up to the surface. The old drainage system cannot cope with more housing.

Somerly Gardens has a hole in it where the ground is sinking

Somerly Gardens contains no natural planting. The turf laid is artificial. How does surface water drain in such situations?

Somerly Gardens is without any natural planting, visually poor and in an AQMA?

Has pressure on local infrastructure been considered i.e. schools, surgeries etc.? These are already over stretched.

If allowed to go ahead neighbours will be sandwiched between two mini estates, including Somerly Gardens. Privacy and peace will be destroyed.

Removed from SHLAA, poor access, ground water flooding, too small for 6 houses.

The developer has bought several of the adjoining houses and cut their gardens length to enlarge this site. Garden grabbing and depriving family homes of decent size gardens.

Loss of 4 beautiful Victorian properties and 4 homes, net gain of 6 only. Not justified.

Developer cut down trees in Spring 2017 with no thought for breeding birds etc. A crime against wildlife.

Developer has already built Somerly Close and a block of flats at the top of Southdown Road. He has replaced one house with two and converted other into flats plus built his own offices. Southdown Road can't take anymore.

Southview Area Residents Association:

The following points form the basis of this Association's members' formal objection. Association commenced negotiations with Southern Water who confirmed that the aforementioned pattern was the prime source of flooding coupled with the fact that historically, a number of the Southview properties had underground springs, as did the land (AWDM/1119/19) in question. So much so, a natural pond formed & despite the current landowner endeavouring to fill it in on several occasions it has again appeared. Unfortunately Southern Water at that time admitted there was little they could do to improve this flooding problem. Indeed, there is one house in Southview Road which has a Victorian well which the previous owner claimed was dry during the summer months but from autumn onwards it filled completely. Another property in this Road has had a permanent pump in its basement for a number of years.

Rumours have abounded to the effect that there was a small river running alongside the western area of the land. Despite lengthy research this has not been prove. It could well be the result of all the residents getting together during the flood period particularly in the 70's & channelling the flood water to the end of their gardens which naturally flowed down to the rest garden in Cross Road. From the 1980's these efforts ceased.

PARKING

With regard to the comments made by your Operational Waste Dept. Consultee, it would not be possible to operate a designated area for an on road parking facility for the occupants of the proposed estate due entirely to the fact that there is insufficient room for the existing residents in Southview Road. So much so this problem has escalated throughout Roman Way & Roman Crescent.

TRAFFIC

Southview road is currently suffering as a result of becoming a rat run used by motorists particularly during the rush hours, who wish to avoid the traffic lights situate the top of Southwick Street & those who want to avoid the gridlock on the A259. This, coupled with Adur D.C.'s change in planning policy in regard to not allowing the Southview Road 3 bedroom terrace houses in the main, being converted to flats, resulting in each of the said properties having 2-3 vehicles even more, the gardens of which being too small to allow more than one vehicle parked thereon. The result being, this road now resembles a car park 7 what few off street spaces remain are quickly taken.

The problem has now extended to Roman Way & Roman Crescent as previously stated.

In addition, the rat run drivers tend to use excessive speed, well in excess of the 30 m.p.h. limit, particularly young motor cyclists. Considerable concern has been expressed in regard to two unidentified access/egress vehicular points, one on the West side of the road into the garage compound & the other on the East side just below the Roman Way access point where there is a rear garage. The motorists leaving/departing

from these two points do so blind-sided due to excess on street parking & are unable to see any oncoming traffic. Prior to the hurricane there were two warning notices on posts which were destroyed in the storm & despite numerous requests from this Association, W.S.C.C. refuse to replace them.

To permit a further 14 properties to be built in this road would be disastrous & exacerbate the serious risk of either a vehicular collision or pedestrian/vehicle impact. This Association has been in contact with W.S. Highways whose engineers & this author will be having a site inspection after the holiday season in order to seek a solution to this problem.

GENERAL – since the early 1800's when the first houses were built in Southview Road, the small parcel of land covered by this application was deemed unsuitable for housing, this attitude has prevailed continuously up to the date of the current application. The developers at that time claimed that the sand which is present in this land, was used in the construction to the extent, when it ran out they continued to use the sand in what is now known as Cross Road Rest Garden which, at that time, was a well-known sand quarry. Even today if one digs down to one or two metres in any of the gardens in Southview Road, one will find sand as per the photographs submitted.

It is well known that there was always a pond in the site in question, located nearby the horse chestnut tree. When the then applicant realised this point had been raised by several objectors, he arranged for his work force to excavate the site & fill in the said pond. During 2017 there were signs that the pond was re-emerging. Again, see photographs.

The original owner of the site was a retailer resident in Underdown Road selling/repairing radios, televisions, etc., since before the war. He used the aforementioned pond as a means of disposing unwanted/discarded radios & televisions. After his death, his son continued the business until sadly he died approximately two years ago. The question must be raised, is there any residual contamination in the pond area in question despite attempts to fill it in.

Throughout the period of ownership of the aforementioned gentlemen, they both allowed the residents in Underdown Road to rent a plot or plots for use as allotments. As can be appreciated, this was extremely popular & well received as the rear gardens in this road are considerably shorter than those in Southview Road.

The area covering Roman Way, Southview Road & Underdown Road is densely occupied by Victorian & modern housing to the extent it is saturated & the vehicular provisions are totally inadequate, particularly as many of the tenants in the flats now appear to have commercial vans in addition to cars.

With regard to the design & access statement submitted by the applicant, it is felt that the description of SDS Holdings Company is misleading. This company was part of the Southwick Hill Farm Dairy & was not formed until such time as the number of properties acquired from neighbouring residents deemed it necessary. As can be seen from the plans submitted, each time a property abutting the site was acquired, the Dairy Company acquired half the garden thereby increasing their proposed development site.

Even in recent years local residents have been approached in order that they could be encouraged to sell off part of their rear garden.

Consideration must also be given to the infrastructure in the area, bearing in mind there are only two G.P. surgeries in Southwick which are already over-burdened with extensive patient lists. Already the Government are warning planning authorities this factor has not to be seriously considered before arriving at any decisions on future development proposals.

It is clear that to allow this application to be granted, the impact on the whole area of Southwick would be disastrous as a result of the serious flooding problem, access/egress to the site being highly questionable despite the demolition of two houses which will result in four tenants being made homeless, unacceptable increase in traffic, these are but a few of so many problems which will impact on local residents.

Taking the foregoing into consideration, we would urge the Adur Planners to refuse this application which already in its early stages, has resulted in considerable distress on the part of Southwick residents.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 policies 1, 2, 3, 12, 15, 18, 19, 20, 21, 22, 28, 29, 30, 31, 34, 35 and 36

'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats'; and Sustainable Energy (Aug 2019)

Planning Contributions for Infrastructure Provision (ADC 2013)

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

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)

National Planning Policy Framework (February 2019)

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

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

Principle

This site is an undesignated green field in private ownership in the heart of Southwick, within the Built Up Area Boundary. The site has previously been identified in historical SHLAA's as a potential housing site but removed from the most recent one due to its known groundwater flooding problem and poor access. In principle housing redevelopment is acceptable.

The application therefore needs to be considered in terms of its flooding history. The development must not flood and must not exacerbate flooding beyond the site. Neighbour amenity is a significant issue. Safe access to the highway needs to be achieved together with adequate parking provision and access for refuse vehicles. The ecology of the site must be protected including the TPO tree and bio diversity should be enhanced. Air quality must not be worsened and the scheme should address issues of sustainable energy efficient development. Future occupiers living conditions are important. The quality of the design and the contribution it makes to the local sense of place is also paramount.

Flood risk

The site has a history of groundwater flooding and this also extends beyond the site. Neighbours refer to the site as having underground springs and talk of some surrounding gardens also having them. The Council's drainage engineer has also commented that *'there is a substantial risk that there is a confined aquifer under site which could be under artesian pressure.'*

The NPPF:

155. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

156. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

Adur Local Plan Policy 36: Flood Risk and Sustainable Drainage

The Council will work with relevant bodies to ensure that flood risk in Adur is reduced. A site specific flood risk assessment must be submitted with planning applications for:

- *Proposals of 1 hectare or greater in Flood Zone 1*
- *All development or changes of use to a more vulnerable use in Flood Zones 2 and 3*
- *All development³⁷ or changes of use to a more vulnerable use, regardless of flood zone or size, where flood risk from other sources (surface water, sewer, groundwater) is identified by the Strategic Flood Risk Assessment.*

The flood risk assessment will need to demonstrate that development:

- *is appropriately flood resilient and resistant, includes safe access and escape routes where required, and that any residual risk can be safely managed;*
- *will be safe for its lifetime taking account of the vulnerability of its users;*
- *will not increase flood risk (including sewer flooding, surface water and groundwater flood risk) elsewhere;*
- *will, where possible, reduce flood risk overall; and*
- *will give priority to the use of sustainable drainage systems.*

The flood risk assessment will also need to demonstrate that, where possible, higher vulnerability uses have been located on parts of the site at the lowest probability of flooding.

New development within Adur must include some form of Sustainable Drainage System (SuDS) or other appropriate design measures in order to reduce the risks of surface water flooding and to mitigate the risk of pollution to groundwater sources. SuDS should be considered before other forms of disposal.

Substantial storage through SuDS will be required to achieve a reduction in runoff to levels below that experienced prior to development. On relevant sites, storage of runoff during the high part of the tidal cycle should be addressed. SuDS must be designed sensitively and must seek to enhance landscapes, increase biodiversity gains, and provide quality spaces.

For all developments, applicants will be required to demonstrate that acceptable management arrangements are in place and funded to ensure the ongoing maintenance of SuDS into the future where it is not practical to provide SuDS on site, the development of strategic level. ‘

Significant areas of this site are to be hardsurfaced and many trees removed. The gradient of the land is not fully understood but it is on lower ground to the road. The extent, if any of excavation and levelling is not clear. The implications of these points to flood risk is not fully understood.

The drainage report and drainage strategy put forward with this application is unacceptable to the Council's drainage engineer and the Lead Local Flood Authority. The applicant has been made aware and has been advised where his submission is lacking. The applicants are currently undertaking more thorough and lengthier testing in an attempt to persuade the Council that the flooding issue can be overcome. These tests will run until the end of March at the earliest.

It is not appropriate to wait for these test results and reports, the Council's consultation on them and their further assessment. This would delay a decision until May 2020 at the earliest. The applicants have been asked to withdraw this application in the meantime. They have refused to do so.

Highways

Policy 15 of the Local Plan requires development to:

*Have safe access to the highway network, and not result in harm to highway safety;
Have acceptable parking arrangements (in terms of amount and layout);*

The Highway Authority has raised objection to the current proposal in terms of its proposed access and turning arrangements. Waste services have not agreed the scheme yet either. The applicant is in negotiation with the Highway Authority and Waste Services but revised plans have yet to come forward.

To facilitate access to this site two Victorian semi-detached houses on the frontage are to be demolished. These houses have been converted into two flats in each. Consequently this development represents a net gain of 6 dwellings. Therefore there is no requirement for the developer to contribute to local services via a planning agreement, notwithstanding that 10 family houses are proposed.

Ecology

NPPF:

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

The applicant did not submit an ecology study with their original application. A 'Preliminary Ecological Study' was submitted in September. It concluded that further impact studies are needed to ensure the protection of reptiles, bats and nesting birds. The County ecologist supports this view and states:

'Notably, a specific recommendation has been made to survey for bats within the ivy clad trees and the two houses at the application site. This will now have to be completed to support the application and prior to determination. Whilst there might be some flexibility with reptiles (controlling through pre-commencement condition) there is none for the more heavily protected bats.

All surveys pertaining to protected species must be completed to support the planning application, (please refer to Gov't Circ 06/2005 [98&99] and the Habitat Regulations 2019). Without the bat survey it is not possible to recommend relevant conditions to avoid harm, determine whether a European Protected Species licence will be required or make an assessment under the 3 tests arising out of the Habitat Regulations.

There is unlikely to be an in principle objection but the LPA as an 'Appropriate Authority' under the Hab.Reggs. must have all the bat data and potential mitigation to assess prior to determination.

I recommend that the applicant undertakes a daytime bat survey (tree climb with endoscope and external building investigation and internal investigation of all roof voids etc) and if a bat ecologist is available, undertake a single emergence survey prior to the end of August. However, if a bat is found to leave the building during this survey then two more surveys will be required and this will not now be possible this season.'

The applicant is required in law to carry out the bat study at least prior to determination and these need to be done before the end of August. This application should not be left undetermined whilst waiting for these details.

A further bat study was received on the 26th November 2019. This study was carried out in November and only surveyed the two houses to be demolished. It did not survey the outbuildings on the site or the trees. This is contrary to the advice of the County ecologist above and repeated for clarification:

'I recommend that the applicant undertakes a daytime bat survey (tree climb with endoscope and external building investigation and internal investigation of all roof voids etc) and if a bat ecologist is available, undertake a single emergence survey prior to the end of August. However, if a bat is found to leave the building during this survey then two more surveys will be required and this will not now be possible this season.'

The site itself does not have any specific designation and is therefore not specifically protected from development. It is a 'greenfield site' but has in the past been considered as a potential development site in former SHLAA's. It is in a backland position and has remained undeveloped. Neighbours are used to this open space and the relief it brings in terms of light and biodiversity. There is no public access.

The protection of the site's bio diversity has not been satisfactorily demonstrated to the Council. As currently proposed it will certainly not enhance biodiversity as required under the NPPF and policy 31 of the Local Plan which states that where harm to biodiversity cannot be mitigated against planning permission should be refused.

Policy 30: Green Infrastructure

Developments will be required to incorporate elements of green infrastructure into their overall design, and/or enhance the quality of existing Green Infrastructure as appropriate.

All new major developments will need to demonstrate how they will contribute to the implementation of the Green Infrastructure Strategy both at site level and with regard to the wider green infrastructure network.

The planting of trees will be supported and encouraged and Tree Preservation Orders will be made to ensure that healthy locally important trees that make a positive contribution to the streetscene are protected.

Most trees are to be removed from the site, 4 individual trees and 3 separate groups of trees. Those trees shown to be retained, other than the TPO'd Horse Chestnut, are on the western boundary and appear to be in the gardens of Underdown Road. These trees are on the boundary of short gardens of proposed houses. The tree report submitted suggests no pruning of these trees is necessary. However, it is considered likely that they will be under pressure in the future from new homeowners due to the short west facing gardens proposed.

The Tree report submitted with the application concludes that House 8 will not threaten the viability of the TPO'd horse chestnut but that it will need regular pruning. The Council's Senior Tree Officer disputes this. In his view '*house 8's proximity will cause need for regular pruning to maintain a clearance from the building, will create considerable shade to the rear garden, and detract from the current form of the tree, and its future amenity to the area.*'

The amount of hard surfacing associated with this development, including the access road, footpaths, parking areas, patios and cycle sheds together with small rear gardens will leave little room for significant replanting in the interest of biodiversity or general appearance.

The applicants should consider not only the further reports required by their own 'preliminary' ecology study but also a wider study to consider how to further protect and enhance biodiversity in the interest of wild life, 'green' character and neighbour amenity.

Air Quality

The site lies to the south east of the Southwick Air Quality Management Area (AQMA). Under the Environment Act 1995 local authorities must designate areas where the prescribed Air Quality Objectives are not likely to be met. Southwick AQMA is one such site.

The potential impact of this development on the Southwick AQMA must be considered. Environmental Health has advised that they expect an emissions mitigation assessment to be completed, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment.

A report was submitted on the 22nd November and is currently with Environmental Health officers for consideration. Members will be updated at the meeting.

Sustainable Development and Energy

Policy 19 of the Local Plan deals with Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy. It requires '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 policy was reinforced with the introduction of a Supplementary Planning Document entitled 'Sustainable Energy adopted in August of this year.

No energy statement or offer was submitted with the original application. It is understood that the applicants are working on one currently. Members will be updated at the meeting.

Design, character and appearance

'Policy 15: Quality of the Built Environment and Public Realm

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

- *Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development;*
- *Include a layout and design which take account of the potential users of the site;*
- *Incorporate the principles of securing safety and reducing crime through design in order to create a safe and secure environment;*
- *Make a positive contribution to the sense of place, local character and distinctiveness of an area; and not have an unacceptable impact on adjacent properties, particularly residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook or open amenity space;*
- *Respect the existing natural features of the site, including land form, trees and biodiversity and contribute positively to biodiversity;*
- *Have safe access to the highway network, and not result in harm to highway safety;*
- *Have acceptable parking arrangements (in terms of amount and layout);*
- *Take into account the need for waste reduction and recycling, both during the construction phase and over the lifetime of the development;*

Lighting incorporated into developments should provide the minimum for public safety, be energy efficient, designed to illuminate the target only and avoid light pollution.'

The character of Southview Road and Underdown Road is mixed but is essentially Victorian and inter war detached, semi-detached and terraced houses with generous rear gardens. The character of the site however, is open green land. It is very different to the site of the recent development at Somerly Gardens, at the northern end of Underdown Road, much of which previously had a substantial industrial building on it,

an existing access from Southview Road and a large expanse of car parking with no natural landscaping on it at all.

Planning policy asks new development to respect the prevailing character, design, scale etc. whilst protecting biodiversity, neighbour amenity etc. and recognizing the importance a site may perform, such as for flood relief.

The design of the houses themselves are not *‘of a high architectural quality ‘ and do not ‘respect and enhance the character of the site, and the prevailing character of the area, in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.’*

The frontage house is a poor pastiche of the two ornate houses to be demolished. It will not *‘enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, etc.* The two detached houses in particular have a top heavy ‘boxy’ appearance. All the houses have a higher ridge line than the existing frontage houses. The 3 bed houses do not appear to need such a large roof void.

The applicants have been advised that the overall design and layout is considered to be weak. They have not entered into discussion on the matter or revised their design.

The amount of hard landscaping proposed, including frontage parking, and the loss of the many trees and shrubs from the site will turn a green oasis into a densely packed and unsightly development. One only has to look at Somerly Gardens to see the lack of care taken to soft landscape and enhance the development. Even lawns have been replaced with grasscrete. Somerly Gardens was at least formerly a hard industrial site. This ‘green field’ site makes a far greater contribution to local character, biodiversity and neighbours’ wellbeing.

It is considered that the proposed development represents a cramped form of development that would not respect the area’s general character. It will not *‘make a positive contribution to the sense of place, local character and distinctiveness of an area;’*

Residential amenity – for proposed dwellings

All dwellings meet the minimum floorspace figure of the DCLG’s Technical Housing Standard of 2015.

Development Management Standard No. 1 ‘Space Around Dwellings’ requires dwellings to have a minimum garden length of 11 metres. 3 bed terraced houses (1-4 inc) should have a minimum garden size of 65 sqm. Small semi-detached house (houses 5-8 inc) should have gardens a minimum of 85 sqm in area and detached dwellings 100sqm.

Houses 2, 3, 6 and 7 do not meet the minimum garden sizes. Six of the ten houses do not have gardens 11 metres in length. Houses 3, 4, 6, 7, 8, 9 and 10 do not meet this minimum length.

Houses 6, 7 and 8 have short and small gardens. They are also situated adjacent to trees to be retained on the west boundary. The canopies of these trees are shown to extend over half the depth of the garden. Afternoon light will be compromised as a result, or the trees threatened. Plot 8 has a tree or trees on its western boundary and also has the protected Horse Chestnut immediately to the south of it. This short garden and also No. 7's will be significantly overshadowed by these trees to be retained.

All the proposed houses have two parking spaces in their front gardens which will essentially account for their entire outlook beyond which is the access road itself.

Residential amenity – effect on existing dwellings

In order to enlarge this site the applicant bought at least 5 Southview Road houses and before selling them on truncated their gardens. This land essentially accounts for the proposed houses 1 – 4 (inclusive.) The original houses have truncated gardens approximately 10 metres in length. House 1 is 11.5 metres from the rear wall of 57 and 59 Southview Road. This is in direct conflict with Development Management Standard No. 1 'Space Around Dwellings' which requires a minimum gap of 14 metres in such a situation. House 1 will be overbearing to these houses and will obstruct afternoon sun.

Houses 5 and 9 are cramped to the respective north and south boundaries alongside the gardens of 44 and 68 Underdown Road. These houses will be overbearing to these residents enjoyment of their garden and in the case of No. 68 will obstruct the southern sun. Their proximity to these boundaries leaves little scope for planting to soften the impact. The scale and bulk of the houses, particularly the detached house No. 9, will loom over the garden of No. 44.

Vehicle access to this site is presently between Nos. 55 and 57 Southview Road. The proposed access is adjacent to No. 51, a bungalow. This bungalow has only a 1 metre gap to the shared boundary and has a side window in it. The new access road for up to 20 vehicles and pedestrians will have an unneighbourly impact on the quiet enjoyment of No. 51.

The new frontage house to be built is set 2.5 metres back behind the front bay window of No. 57. It sits 4.8 metres behind No. 57 at a distance of 1 metre off its boundary. No. 57 has a traditional outrigger with windows facing the site and in the main back wall. These windows will be overshadowed by this new house and it will be overbearing to the residents of both flats on No. 57.

Contaminated land

Neighbours advise that the site was previously owned by a TV repair site in Underdown Road and that the owner used to dispose of defunct TV's by burying them on the site. This site is otherwise not known to the Council as being contaminated. As such an informative to deal with this matter would suffice in this case.

Conclusion

It is recognised that this development will make a small contribution towards meeting local housing targets. However, this is not sufficient to outweigh the harm identified.

Recommendation

To **REFUSE** permission for the following reasons:-

1. The application fails to demonstrate that flooding of the site will not occur and that the development will not exacerbate flooding beyond the site. It is therefore contrary to policies 35 and 36 of the Adur Local Plan and the National Planning Policy Framework.
2. The application fails to identify safe access to the highway. The application is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.
3. The application is inadequate as submitted regarding protected species within the site and fails to protect trees or enhance biodiversity within the site. It is therefore contrary to policies 15, 30 and 31 of the Adur Local Plan and the National Planning Policy Framework.
4. The proposal is weak in its design in terms of proportion, form, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping. As such it will not make a positive contribution to the sense of place, local character and distinctiveness of this area and as such is contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.
5. The proposal is cramped within the site and will have a harmful impact on neighbours due to an overbearing impact, loss of light and noise and disturbance from the proposed access. The proposal is therefore contrary to policy 15 of the Adur Local Plan, Development Management Standard No. 1 'Space Around New Dwellings and Flats' and the National Planning Policy Framework.
6. The proposal is cramped within the site and will have a harmful impact on future occupiers living conditions in terms of inadequate garden sizes and overshadowing from trees to be retained. The proposal is therefore contrary to policy 15 of the Adur Local Plan, Development Management Standard No. 1 'Space Around New Dwellings and Flats' and the National Planning Policy Framework.

Application Number: AWD/1258/19

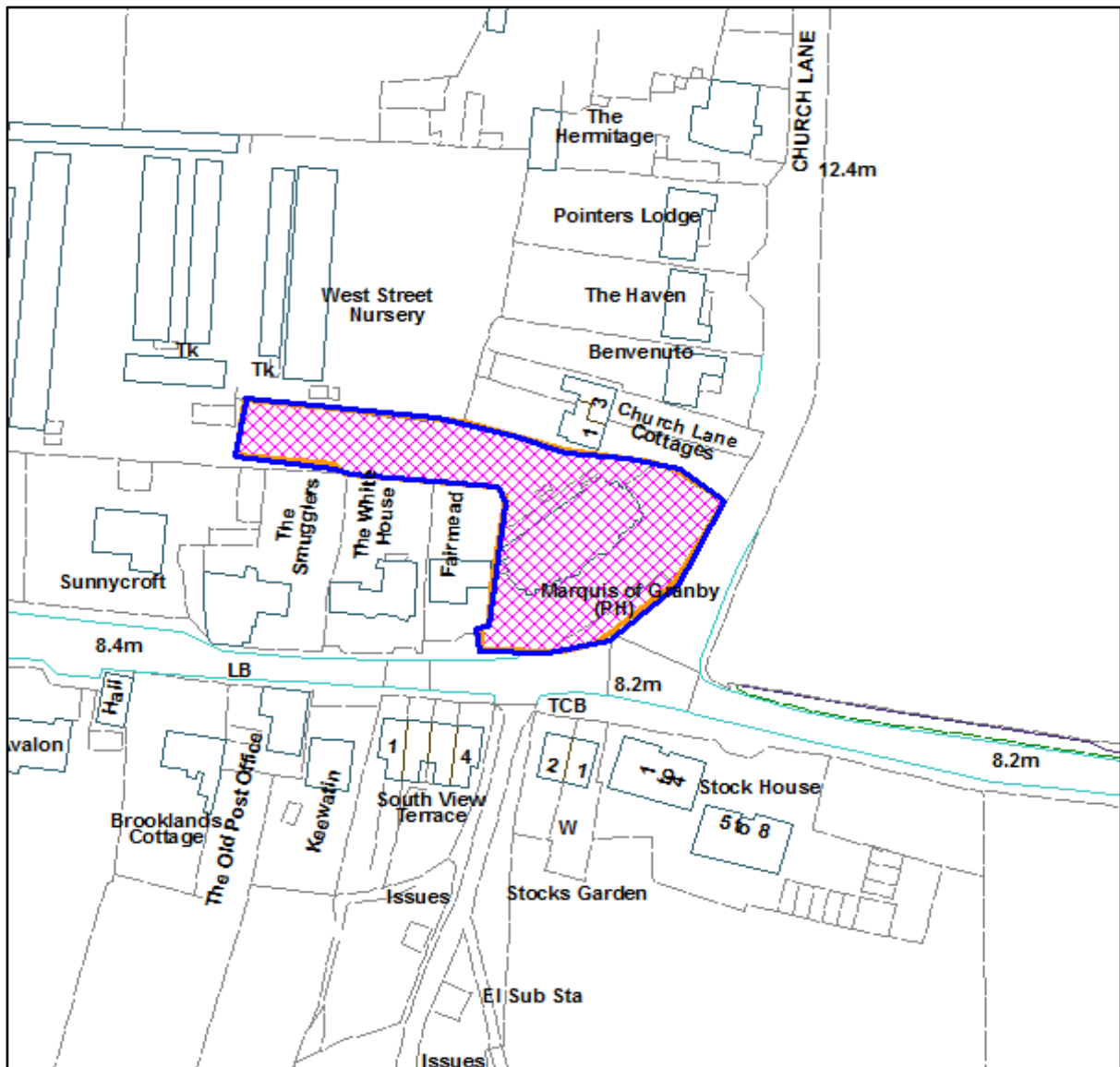
Recommendation – APPROVE

Site: Marquis of Granby PH, West Street, Sompting

Proposal: Proposed new single storey wedding/function room in rear beer garden. (Resubmission of AWD/0461/19)

Applicant: Concorde Star Pubs and Bars
Case Officer: M. O'Keeffe

Ward: Peverel



Not to Scale

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This application has been called to Committee by Councillor Barton

Proposal, Site and Surroundings

The site relates to the rear garden of the Marquis of Granby pub on the north side of West Street as it turns the corner into Church Lane in the heart of Sompting village. Sompting village lies outside of the Built Up Area Boundary (BUAB), and is therefore within the countryside. It is also designated as a Conservation Area and lies within the Local Green Gap.

The pub has been closed for the last 12 months and is bounded on two sides, south and north, by houses and the Alishaan Indian restaurant car park. To the west and also to the north are fields. The pub garden sits on higher ground to the pub itself and the properties to the south.

Planning permission is sought to erect a single storey building at the very western end of the beer garden to act as a function room. Clad in blackened larch with a slate tile roof the building measures 14.3 metres in length and 8 metres in width. It has a fully pitched roof to a height of 6.52 metres.

The building is shown to sit in part on an existing concrete slab. This slab accommodated a marquee for 12 years until it blew down last winter. The proposed building has a greater footprint and is higher than the previous marquee. It extends 2.75 metres further eastwards. Four reconfigured concrete steps gives access to the lobbied building. Other than this access door the building has no natural light or ventilation.

The building is self-sufficient with its own servery and WC's.

The applicant has stated that the function room is fundamental in the proposed scheme. *'We feel that the pub, albeit a large property, needs additional reasons to visit, including functions in the garden. As a standalone property, the village is too small to sustain such a big pub'.*

Also confirmed is that there are no plans for the upper floor of the existing pub.

Relevant Planning History

AWDM/0461/19 - Proposed new single storey wedding/function room in rear beer garden. Withdrawn 24.6.19

AWDM/0765/16 - Replace existing timber framed windows to all elevations with purpose-made timber windows to front and north-east elevation and double-glazed uPVC windows to rear and south-west side elevation (re-submission of AWDM/0047/16). Granted 22.8.16

Consultations

West Sussex County Council Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

Summary and Context

This proposal is for the erection of a single storey function room. The site is located on West Street, a C-classified road subject to a speed limit of 30 mph. WSCC in its role as Local Highway Authority (LHA) were previously consulted regarding highway matters for this site under application AWD/0461/19, raising no objections. This application was withdrawn by the applicant.

Access and Visibility

The site is served by 2 accesses, with one on West Street and one on Church Lane. No alterations to the accesses are proposed for this development. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals 2 recorded collisions within the vicinity of the site. However, these were not attributed to any defects or the layout of the road. Therefore there is no evidence to suggest the existing accesses are operating unsafely or that the proposal would exacerbate an existing safety concern.

The applicant has stated that the proposed function room is a replacement of a former marquee which has since fallen down. The marquee has been used for functions for the past 12 years. Given that the proposed building is a replacement, this proposal is not anticipated to result in an intensification of material movements to or from the site.

Parking and Turning

The site currently has a car park to the front of the site, with approximately 15 car parking spaces. No alterations to the existing parking provision are proposed. The LHA acknowledges representations raising the issue of overspill parking. Whilst on-street parking is limited in the immediate vicinity, there are parking restrictions in place prohibiting vehicles from parking in places that would be considered detrimental to highways safety. The LHA does not consider that highway safety would be detrimentally affected through the proposed parking provision. The LHA may wish to consider any impacts that may arise from this development on on-street parking from an amenity point of view. However, as mentioned above, this application is not considered an intensification of use and therefore is not anticipated to result in a highways safety concern.

Sustainability

The site is served by a bus stop that offers hourly services to Salvington, Tarring and Lancing. The applicant may wish to consider the inclusion of cycle parking to encourage the use of sustainable alternative modes of transport to the private car.

Conclusion

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

If the LPA are minded to approve the application, the following condition and informatives should be applied:

Cycle parking

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

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

Environmental Health

'This is a better design for the function room and the acoustic assessment has covered my concerns.

I would recommend the following conditions:

The development shall be constructed using the facade and ceiling constructions described in Noise Impact Assessment, Table 4, that accompanied the application.

Details of the ventilation system for the function room shall be provided and agreed prior to installation.

Any mechanical plant associated with the function room shall meet the daytime running limit described in Noise Impact Assessment, Table 8, that accompanied the application.

A noise limiting device shall be incorporated into the sound system and all mains power sockets for the function room using the entertainment noise levels described in Noise Impact Assessment, Table 7, that accompanied the application.

A noise management plan shall be implemented to minimise noise from patrons entering and leaving the premises. The plan shall also consider issues for community liaison and complaint procedures.

The external doors or the function room shall be kept closed during functions which include any amplified music. Both sets of lobby doors shall be fitted with automatic door closers.

I would also condition hours of use. The acoustic report states the proposed hours are 10:00 to 23:00hrs Mon to Sat and 12:00 to 22:30hrs on Sundays. I would recommend some flexibility on this, perhaps allowing opening until midnight on Christmas Eve and Boxing Day and until 00:30hrs on New years day. I will leave this with you.

Adur District Conservation Advisory Group:

'TRAFFIC – There will undoubtedly be an increase in parking in the immediate neighbourhood which is in an already desperate rat run.

NOISE – There is concern that the new proposals for managing noise pollution in relation to the residents and the quality of the designed conservation area which already suffers from the aforementioned traffic plus air pollution.

As a result of the objections to the first application made by local residents the applicant has undertaken a noise pollution assessment for the current proposal. Members feel that an independent assessment of this document should be made by Environmental Health or an independent consultant to verify the claims contained therein.

SOUND PROOFING – while the applicant has submitted revised plans regarding soundproofing to reduce external noise impacts, it is unclear whether the materials used on the 2.4 metre high fence can tolerate and minimize a true reduction of up to 32 decibels.

The point has been raised that a brick built structure would be more effective and certainly more durable and effective as opposed to a wooden fence. It is clear that the question of noise has become a serious issue for the neighbouring residents.

West Street and Church Lane Sompting are well established rat runs where already, there are parking issues. Whilst the public house currently has parking provisions for its patrons, there will undoubtedly be an overflow when the proposed events take place. Page 17 of the Sound Assessment Report shows an aerial picture clearly showing this problem.'

WSSCC Archaeology:

I have looked at planning application AWDM/1258/19.

I see that most of the new building would sit upon the existing concrete slab, so that it is only at the front that the brick footings would involve new ground excavations which might reach archaeological levels.

The new building would sit about 40 metres from the site of the discovery of the Roman cremation burial, which was found in 1970 during construction of a small extension to the Marquis of Granby PH itself. Roman cremation cemeteries can be small, large, in clusters or linear spreads; at 40 metres it is possible that further cremation burials could be present within the new building footprint.

Therefore although not involving a large area of excavation, I do think a watching brief condition appropriate.

I suggest the following, a Condition and a related Informative (see below), relating to the Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (Chichester District Council, East Sussex County Council and West Sussex County Council 2019, informal guidance).

As regards Worthing Archaeological Society's representation, please note that personally (not professionally for work) I am an ordinary member of the Society and its President, but in neither case am I a member of the Society's Committee or involved in decision making.

I would normally expect the necessary standards for a watching brief to require the involvement of an archaeological contractor on behalf of the applicant. I note from Worthing Archaeological Society's representation that they would be prepared to maintain a watching brief, if this is the only way any possible archaeological finds can be monitored (my italics).

Planning Condition: Archaeology

All development and groundworks hereby permitted shall be carried out and completed in accordance with an archaeological monitoring and recording exercise in conformity with the Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (2019).

Reason: To safeguard the identification, recording, analysis, archiving and understanding of heritage assets.

Informative

The Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (2019) document has been uploaded to the Internet and may be found at the following web address:

<https://www.eastsussex.gov.uk/media/12608/ar-sussex-archaeological-standards-2019.pdf>. Annex D of this document particularly concerns standards for an archaeological monitoring and recording exercise (watching brief).

Worthing Archaeological Society:

Worthing Archaeological Society has no objection to this development – IF there is some archaeological watching brief while the groundworks are happening. Worthing Archaeological Society would be prepared to keep a watching brief if this is the only way to monitor any finds.

Sompting Parish Council:

'The Council recognises the historic nature of the building as an Inn and feel it should remain as a licensed premises as part of the Sompting Village. However although the Council has no objection in principle to the application, they have concerns in respect of parking provisions and noise nuisance and should permit an over watch by Worthing Archaeological Society whilst building works take place.'

Representations

9 objections received summarized as follows:

1. The extra cars associated with this proposal will affect the business of the neighbouring Indian restaurant. Pub customers already park in the restaurant car park.
2. Noise from the site already disturbs restaurant customers.
3. A music venue is inappropriate in our small village and the conservation area. This is not a town centre location.

4. All new development should respect the existing village structure in its form, scale, landscaping and use of materials.
5. Noise from the site previously was horrendous for neighbours. Since it closed we have had a little reprieve.
6. Since the pub closed we have seen acceptable levels of noise, privacy and parking.
7. Inevitably wedding guests will end up in the garden and cause a noise nuisance.
8. The existing pub is large enough to accommodate customers and to host functions.
9. Inadequate parking for the existing pub let alone a function room too.
10. Traffic congestion and rat running is already a night mare. Gridlock and poor parking already occurs. This will worsen it.
11. Traffic pollution is already high, this will worsen it.
12. This is a windowless box. Who would want to have a function here?
13. The building is bounded on three sides by fences. Where is the means of escape?
14. We do not want an 8 foot fence on the conservation area.
15. Overlooking as ground is much higher, straight into bedrooms.
16. This is an intensification of use that will be perennial rather than limited to summer months as with the previous marquee.
17. Beer garden noise associated with the pub is inevitable but adding a second venue will exacerbate the nuisance.

2 letters of support as follows:

1. This is a replacement of the old marquee and for only occasional use. The marquee did not cause problems, noise, traffic, pollution or parking.
2. We need the pub rejuvenated as the heart of the village and not demolished for more housing.
3. A new insulated building to minimise noise is far preferable to the marquee.
4. The proposed large housing development nearby needs a pub.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 – 1, 2, 4, 10, 13, 14, 15, 16, 17, 26, 28, 33 and 34

National Planning Policy Framework (February 2019)

Sompting Conservation Area Appraisal

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

West Sussex 'Guidance on Parking at New Developments' and 'Parking Demand Calculator' (WSCC 2019)

Circular 11/95 'The Use of Conditions in Planning Permissions' (DoE 1995)

Circular 10/97 'Enforcing Planning Control' (DoE 1997)

Relevant Legislation

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

Planning Assessment

Principle

The site lies outside the built up area boundary in the countryside, in a green gap and within the village of Sompting which is a conservation area. The proposal seeks to safeguard the future of the pub, a local community facility, by creating an additional, separate, function room in the rear garden.

For consideration is whether such development is appropriate in this countryside location. What impacts the building and its use will have on neighbours and local highway conditions and whether the building proposed or the use will have an impact on the conservation area.

Character

Whilst this site is within the countryside and in a green gap where new buildings for active recreation or leisure uses are generally resisted it is the private rear garden of this long established pub. Until last year and for the previous 12 years there was a marquee where this building is now proposed. This marquee was used for parties. It is therefore not considered that a separate building would be out of character in this location or contrary to the Adur Local Plan vision or policies 2, 10 or 13 which seek to protect the countryside and character of the village of Sompting.

Neighbour amenity

The proposed building has no windows and only a single lobbied door facing down the pub garden. Overlooking of neighbours will not occur. The building is just over 1 metre off its north and south boundaries with an extra 1 metre or so to the boundary with the Alishaan restaurant car park and neighbours at Sunnycroft. It is more than 18 metres from these houses themselves and is not directly behind either. It is on higher ground to the car park by approximately 1.5 metres and so at 6.515 metres high to ridge will have the appearance of a one and half storey building. However, at the distance from neighbouring houses it is not considered that it will be overbearing to neighbours. A 2.4 metre high fence is proposed along the entire perimeter of the structure. The exact position and detail of this fence is currently with the applicant to confirm though it is thought to be on three side immediately abutting the building and does not replace existing means of enclosure.

The proposed building itself is windowless and it is proposed to mechanically ventilate it. Details of the mechanical ventilation system had not been finalized at the time of

application. A noise assessment in accordance with *Planning Noise Advice Document: Sussex* (July 2015) has been submitted. It concludes that the design of the building itself together with noise limiters proposed for any amplified sound will ensure noise from within the function room will not lead to nuisance to neighbours.

The report acknowledges additional noise from patrons entering and exiting the building and using the beer garden. Included with the application is a recommended noise management plan for the future licensees of this facility to minimise likely intrusion.

The Environmental Health Officer has reviewed this report and concluded that subject to conditions he has no objection to the development. The recommended conditions are:

The development shall be constructed using the facade and ceiling constructions described in Noise Impact Assessment, Table 4, accompanying the application.

Details of the ventilation system for the function room shall be provided and agreed prior to installation.

Any mechanical plant associated with the function room shall meet the daytime running limit described in Noise Impact Assessment, Table 8, submitted with the application.

A noise limiting device shall be incorporated into the sound system and all mains power sockets for the function room using the entertainment noise levels described in Noise Impact Assessment, Table 7, submitted with the application.

A noise management plan shall be implemented to minimise noise from patrons entering and leaving the premises. The plan shall also consider issues for community liaison and complaint procedures.

The external doors or the function room shall be kept closed during functions which include any amplified music. Both sets of lobby doors shall be fitted with automatic door closers.

I would also condition hours of use. The acoustic report states the proposed hours are 10:00 to 23:00hrs Mon to Sat and 12:00 to 22:30hrs on Sundays. I would recommend some flexibility on this, perhaps allowing opening until midnight on Christmas Eve and Boxing Day and until 00:30hrs on New Year's day.

This advice and all these conditions are recommended below.

Whilst this building is larger than the former marquee, will accommodate more patrons and as a brick construction will likely be in use more frequently than a marquee, it is considered that the conditions recommended by Environmental Health will prevent noise nuisance from within the building. With good management excessive noise nuisance can be limited. This is an existing and long established beer garden which is a relevant material consideration in the determination of the planning application.

Highways

Visitors to the pub, when it was open, are likely to have been local and either walked or came by car. The additional function room can accommodate in excess of 80 people and is likely to generate visitors from further afield who will have to rely on vehicular modes of transport. Nonetheless, the Local Highway Authority does not object to this proposal. It does not believe that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

It is appropriate to consider the impact on neighbour and village amenity of the additional traffic which would result from this proposal. However, in the absence of an objection from the Local Highway Authority a refusal on these grounds would be very difficult to sustain at appeal.

Conservation Area/Archaeology

This larch and slate roof windowless building has a semi-rural feel about its appearance. It is very tall for a single storey building at 4 metres high to eaves and 6.52 metres to ridge. It is assumed the high ceiling and roof height is designed to compensate for its lack of windows in order to give partying occupants a sense of space. It is not considered that it will be harmful to appearance of the conservation area. Black slate tiles may not be the right approach for the roof, a felt tile may be preferable. The blackened larch for the main body is likely to be acceptable if in a matt or satin finish. Samples of materials are reserved by condition.

The principle of a separate building and the additional activity it will attract to this village setting and conservation area is concerning. However, as this is within a pub garden where a previous building once stood then it is considered that the extra activity associated with it could not be refused on conservation grounds.

Worthing Archaeological Society has referenced the find of a Roman Cremation burial on this site during the development of a rear extension to the pub. Artefacts from this find are in the Worthing Museum. They would like to see a condition requiring an archaeological watch on the site during groundworks. Members of the group would be prepared to carry out the watch. The County Archaeologist supports this approach.

Conclusion

This is an application with a number of competing considerations given the location of the site within the Conservation Area but outside of the defined built-up area, although close to residential properties, where new development is ordinarily strictly controlled. Equally, though, the proposal relates to an existing business which adds to vitality of the area. The applicant argues this additional facility is necessary to sustain the viability of the pub, which has been closed for some time. The responses from consultees indicate that, subject to stringent conditions, the use of the new building can be adequately controlled. It is therefore considered that permission should be granted.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Samples of Materials
4. Façade and ceiling construction as per Noise Impact Assessment
5. Details of mechanical ventilation
6. Mechanical Plan daytime running limit
7. Noise limiting device fitted prior to first use
8. Details of a noise management plan
9. The external doors of the function room shall be kept closed during functions which include any amplified music. Both sets of lobby doors shall be fitted with automatic door closers.
10. Hours of use 10:00 to 23:00hrs Mon to Sat and 12:00 to 22:30hrs on Sundays, except on Christmas Eve til Midnight and until 00:30hrs on New Year's Day.
11. Archaeology.
12. Cycle parking details
13. Perimeter fence erected prior to first use.

Informative

The Sussex Archaeological Standards recommended practice and procedures for undertaking archaeological investigations (2019) document has been uploaded to the Internet and may be found at the following web address:

<https://www.eastsussex.gov.uk/media/12608/ar-sussex-archaeological-standards-2019.pdf>.

Annex D of this document particularly concerns standards for an archaeological monitoring and recording exercise (watching brief).'

Application No AWDM/0567/19

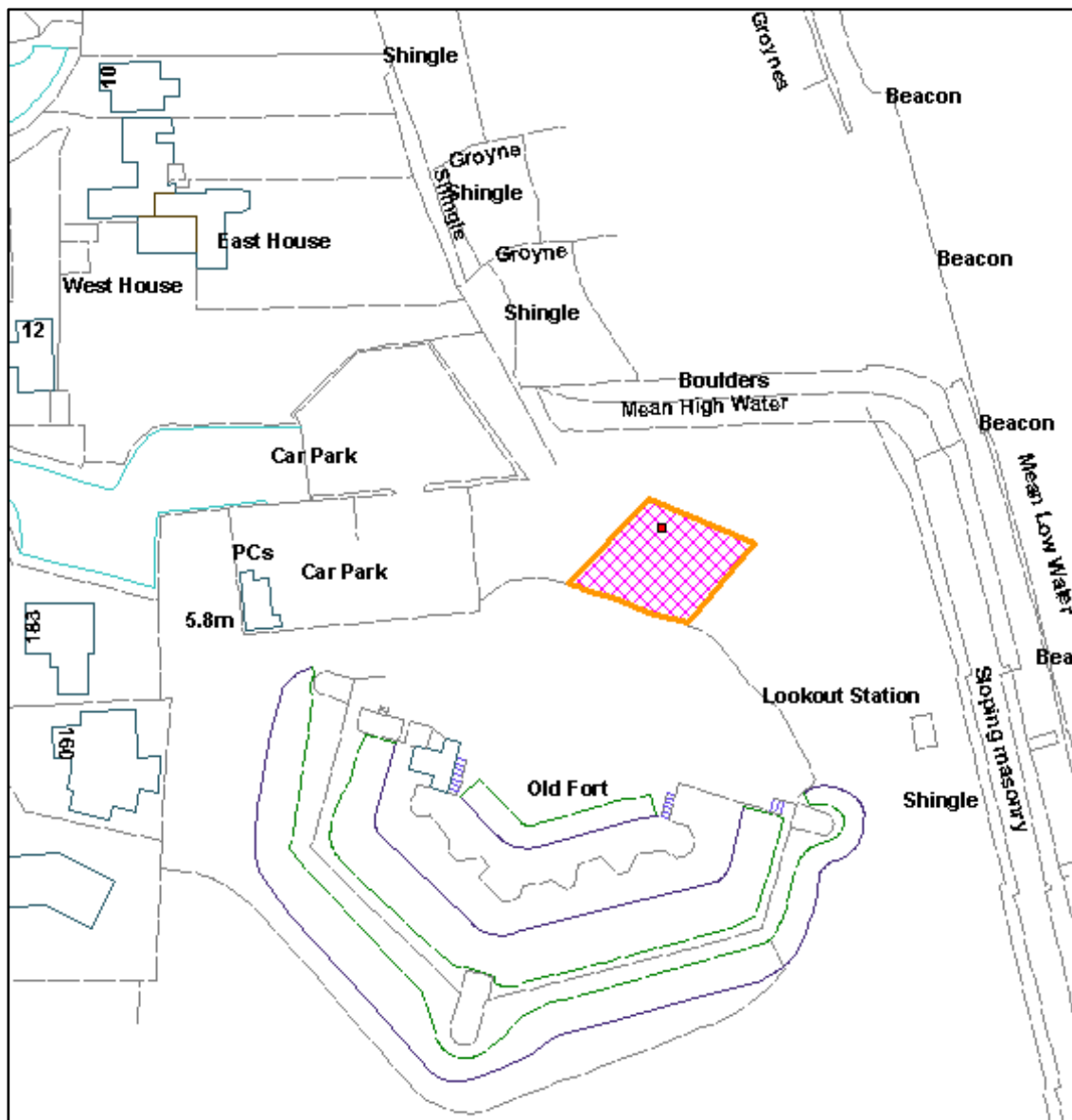
Recommendation – APPROVE

Site: Land North Of Shoreham Fort, Forthaven, Shoreham-By-Sea

Proposal: Creation of WWI memorial training trench on land adjacent to Shoreham Fort.

Applicant: Shoreham Port Authority
Case Officer: Peter Barnett

Ward: Marine



Not to Scale

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Proposal, Site and Surroundings

This application site comprises an area of vegetated shingle on land to the north of the Old Fort near the entrance to Shoreham Harbour. The Fort is a Scheduled Ancient Monument and the site is within a Local Wildlife Site but outside of the Shoreham Beach Local Nature Reserve.

It is proposed to construct a raised trench as a memorial to World War One. Shoreham was the venue for one of the largest training camps for soldiers preparing to join the front line during the First World War. The trench will not be dug into the ground but will be raised above ground level with bunds on both sides. It is to be constructed by scraping the site to level the beach in order to provide a flat base. Gabion baskets will then be positioned along the line of the trench with concrete filled sandbags along the top of the trench. The bunds will then slope down to ground level. The area will be made wheelchair accessible.

The trench will be between 1.8m and 2.8m wide. It will not run in a straight line and will be approximately 26m long. It will be 1.5m high on the south side and 1m high on the north side.

It is to be used as an educational asset and memorial to the many men who trained in Shoreham before going to fight in France. The wish of the Friends of Shoreham Fort is to make the Fort a community and educational asset and the proposed trench, together with the Nissen hut already present on the site, will “advance the education of the public in the history and heritage of the fort.

A preliminary ecological appraisal has been submitted which identifies highly specialised and rare shingle flora within the area. It advises that the area has been damaged and disturbed during recent flood defence works and that scrub is encroaching into the area. None of the rarer shingle vegetation species are present on the site.

The proposal will result in the loss of 0.07ha of shingle habitat but none of the rarer shingle vegetation species have been found to be present on the site. The proposed development will not impact the integrity of the local wildlife site or the species and habitats for which it has been designed. The new bunds will increase the biodiversity of the area. The development will not impact on reptiles in the area.

Relevant Planning History

AWDM/0566/19 - Application for permanent permission of WWII style Nissen hut and food hut to be used as an education facility in connection with Scheduled Ancient Monument (previously approved for a 5 year temporary period under AWDM/1560/14)
- approved

Consultations

West Sussex County Council: The County **Archaeologist** has no objection. Comments that the proposed memorial trench footprint is located about 7 metres outside the boundary of the Shoreham Fort Scheduled Ancient Monument. The ground works for creation of the trench would not have any direct impact upon any part of the Fort, built in 1857.

The trench footprint, situated almost wholly on ground eroded by the sea after the Fort was built, is very unlikely to contain any presently unknown archaeological features. The intended method of construction, involving ground raising, would cause only very shallow excavations, expected to have no archaeological impact.

The proposals should have very little impact upon the setting of the Scheduled Monument, because of the lie of the ground, which would not block views of the Harbour from the Fort. Views between the Fort and the clearly visible near-contemporary (1842) heritage asset within the Fort's original landscape view envelope, Shoreham Lighthouse, also would not be blocked.

To summarise, the proposals are not expected to involve any direct or indirect archaeological impact.

Adur & Worthing Councils: **The Parks and Foreshore Manager** advises that the project and related activities connected to the historical recreation would be a great asset to the location and really add historical value and a shared experience with visitors.

Expresses concern however re. the designations of the area and the maps do not clearly set out where the work would be to know if there were 100% direct impacts.

There would need to be clearer plans and if there were suggested works that fell within the designated wildlife area, there would need to be associated consultants, ecologists and plans draw up before we should consider approval.

Further comments following receipt of additional/amended information: to be reported.

Historic England: No wish to comment

Natural England: No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Sussex Wildlife Trust: Original Comments: Whilst SWT is not opposed to the idea of a memorial trench and congratulate the Friends of Shoreham Fort on their fundraising achievements, we are concerned that no ecological information has been submitted with the application.

The proposed location of the trench appears to be within a shingle area of the Shoreham Beach Local Wildlife Site (LWS), which according to our desktop records, contains vegetated shingle priority habitat. It is not completely clear from the Supporting Statement how the trench will be constructed, but the diagram on page 9 indicates that the trench will be built up using spoil with grass seeded over.

Policy 31 of the Adur Local Plan states that all development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites. Given this, we ask Adur District Council (ADC) to request that information is submitted to demonstrate how the proposal has been designed to avoid adverse impacts on the LWS and other biodiversity features.

Any reports submitted should be produced by a qualified ecologist and be in line with best practice guidelines. These should also make clear how the proposal results in net gains to biodiversity as per the requirements of paragraph 170 of the National Planning Policy Framework. SWT would be particularly concerned by any loss of vegetated shingle. This habitat is listed under section 41 of the NERC Act 2006 and therefore should be treated as a material consideration by ADC.

SWT would like to be consulted again if any additional information is supplied by the applicants. If ecological information is not forthcoming, then the application should be refused.

Second Response following receipt of ecological appraisal and updated Construction Method Plan: I have looked at the amended Construction Method and acknowledge the changes made to take into consideration the Local Wildlife Site (LWS) and the vegetated shingle habitat the site is designated for. We are supportive of the amendments to 4a, 4b and 6a, which now acknowledge the Local Wildlife Site and the need to ensure construction methodologies recognise the importance of avoiding compaction to areas of vegetated shingle habitat.

During our onsite meeting I was pleased to have the discussion to ensure that the use of top soil and grass seed on the banks of the trench will be avoided. We are pleased that the construction methodology now includes a section on net gain for biodiversity, to ensure that the application recognises the requirements of section 170 of the NPPF (2019).

I would perhaps suggest referring to native vegetation as “vegetated shingle species” and the beach area as the “LWS” in section 7

The Sussex Wildlife Trust does not support the development of Local Wildlife Sites but we do recognise the complexities of this application given the dual designation on the site. We hope that the recommendations/amendments made can ensure the aspirations of the heritage designation and the clear need to protect the LWS are achieved if the application is approved.

One last point we would like to highlight is that the Councils own Parks Manager raised concerns about the lack of environmental information with the application. We therefore assume that they have been consulted on the amended information and their comments have been taken on board.

Representations

11 letters of objection received on the following grounds:

- No account has been taken of the impact of the development upon flora and fauna, including lizards, slow worms and insect life
- Rare habitat on the beach is more important than a concrete development to remember the past
- Loss of vegetated shingle
- Trench would be a safety hazard unless fenced in
- Any fencing would restrict public access to an area where there is an established right to roam
- A fenced development would be unsightly
- A WW1 trench has no connection with the fort
- There has never been a trench or combat here
- Gradual militarisation of the fort – it is becoming a military museum that glamourises war
- Trench is well beyond the existing fort boundary and unreasonably encroaches upon an area widely used by the public for other activities
- Loss of wild space
- There is a climate emergency – to survive we must protect natural wildlife as much as possible
- Leave remaining green space well alone
- Unnecessary
- Will have no employment, community or economic benefit

25 letters of support received:

- Great addition to the ongoing restoration and maintenance of one of Shoreham's greatest treasures
- Educational asset and beneficial to the community
- Highlights importance of this protected heritage site
- Fantastic way to show respect and acknowledge impact that the War had on many local families
- Friends of Shoreham Fort do an amazing amount of work to enable the Fort to be protected for future generations
- Wonderful example of community partnership
- Vital to local economy – will attract visitors from outside of the District
- Does not affect ecology on the beach
- Proposed location for trench is not well used
- Trench is a reality of the horrors of the war and does not glamourise it
- Positive use of the site is likely to reduce crime in the area
- Fort has strong links with both world wars
- This has lottery heritage fund backing
- Will not restrict access
- Will not affect Local Nature Reserve

Shoreham Beach Residents Association, via Cllr Loader:

- Satisfied that this is acceptable in conservation terms
- Trench is well outside the perimeter of the Ancient Scheduled Monument
- Will be built on shingle

Letter of support from Cllr Kennard: This is a very important project and the Friends of Shoreham Fort should be supported for the work they have done to preserve, enhance and protect this site for the community

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 2, 8, 30, 31, 32
National Planning Policy Framework (February 2019)

Relevant Legislation

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

Planning Assessment

Principle

The site is to the south of a Scheduled Ancient Monument (SAM) and any development should not cause harm to the significance of this designated heritage asset.

The site also lies within a Local Wildlife Site where development should protect, conserve and enhance biodiversity, in accordance with Policy 31 of the Adur Local Plan.

The proposal is for a community and educational feature and any impacts arising from the development must be weighed against the community benefits that will occur.

Visual amenity and impact on scheduled monument

The trench is to be built up to a height of 1.5m and was originally proposed to have a grassed bank sloping down to the shingle beach. Following discussions with the Sussex Wildlife Trust (SWT), who were concerned at the potential impact on the Local Wildlife Site, the applicants have agreed to cover the bank with vegetated shingle instead, to be more in keeping with the character and appearance of the beach. The bund will not be a tall structure and, covered in shingle it will not appear out of place. The land rises further to the south of the trench with grassed banks visible around the fort itself.

The County Archaeologist has assessed the impact of the raised trench on the setting of the Fort. He has concluded that:

“The proposals should have very little impact upon the setting of the Scheduled Monument, because of the lie of the ground, which would not block views of the Harbour from the Fort. Views between the Fort and the clearly visible near-contemporary (1842)

heritage asset within the Fort's original landscape view envelope, Shoreham Lighthouse, also would not be blocked.

On balance, it is not considered that significant visual harm will arise as a result of this development.

Ecology and biodiversity

The site lies within Shoreham Beach Local Wildlife Site (LWS). The citation for the LWS advises that *"the site includes all of the landward side of Shoreham Beach, from Widewater Lagoon in the west to the old fort by the entrance to Shoreham Harbour. Its main interest is its highly specialised shingle flora, adapted to withstand harsh and extreme conditions. Largely due to habitat destruction, this community is very rare in West Sussex."*

Policy 31 of the Adur Local Plan states that:

"All development should ensure the protection, conservation, and where possible, enhancement of biodiversity, including nationally and locally designated sites, Biodiversity Opportunity Areas (BOAs), marine habitats and other Biodiversity Action Plan (BAP) habitat areas, wildlife corridors, and protected and priority species. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused."

It goes on to state:

"Local Designations: Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Local Nature Reserve, Local Wildlife Sites (including ancient woodlands or wildlife corridors) or Regionally Important Geological/Geomorphological Site will not be permitted unless it can be demonstrated that reasons for the proposal outweigh the need to safeguard the nature conservation value of the site/feature."

A preliminary ecological appraisal has been submitted which advises that the area has been damaged and disturbed during recent flood defence works and that scrub is encroaching into the area. None of the rarer shingle vegetation species are present on the site.

The proposal will result in the loss of 0.07ha of shingle habitat but none of the rarer shingle vegetation species have been found to be present on the site. The proposed development will not impact the integrity of the local wildlife site or the species and habitats for which it has been designed.

Following discussions with the SWT the applicants have submitted a revised Construction Method Plan which states that they will remove existing invasive species and plant more appropriate species, such as starry clover, to enable a net biodiversity gain at the site. The bunds will not be grass seeded and will be covered with shingle instead and planted with species appropriate to the vegetative shingle habitat.

Sussex Wildlife Trust has stated in its latest comments that, while it does not normally support development on Local Wildlife Sites, they acknowledge the amendments to the proposal and the improvements which will see a net gain for biodiversity.

It is therefore considered that, in its amended form, this development will not cause harm to the LWS and will not therefore be in conflict with the aims of Policy 31.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Implement in strict accordance with revised Construction Method Plan
4. Landscaping
5. No fence shall be erected without prior approval of LPA in writing

9 December 2019

Application Number: AWDM/1515/19

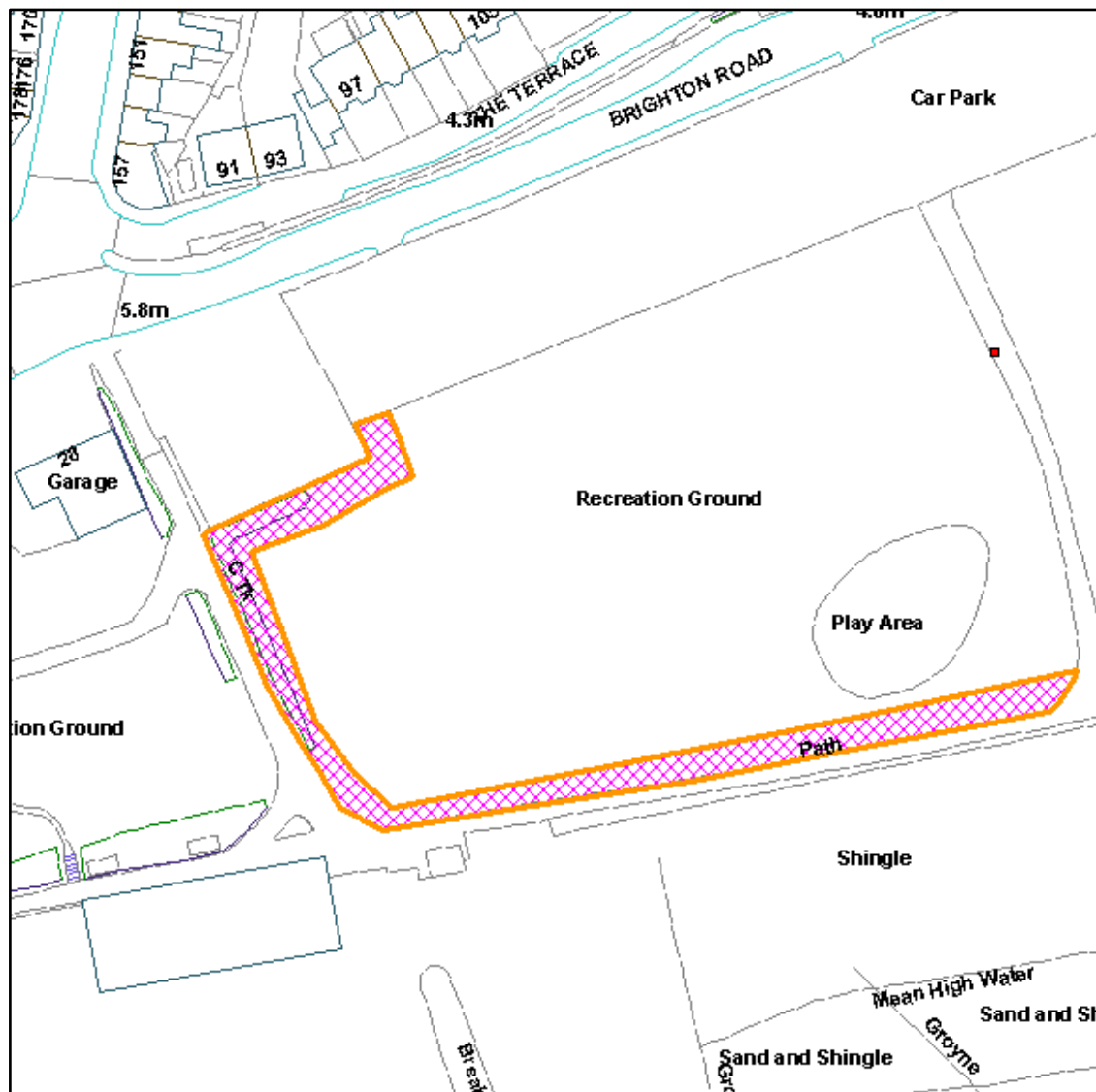
Recommendation – APPROVE

Site: Beach Green, Brighton Road, Lancing

Proposal: Provision of 8 no. 5m high LED mid-hinged tubular light poles.

Applicant: Lancing Parish Council
Case Officer: Peter Barnett

Ward: Widewater



Not to Scale

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The application has been submitted by Lancing Parish Council and relates to a proposal to install 8no. lighting columns around Beach Green. The slim steel columns will be 5m high and hinged to aid with maintenance. They are to be installed on Beach Green to the north east of The Perch café, alongside the path which runs to the north of the skate park and playground, as well alongside the path leading to the bottom of South Street and along the path at the rear of the hand car wash facility. The lighting will be LED for better energy efficiency.

A supporting statement submitted with the application sets out the background to the proposal. It states:

“In April 2017, Lancing Parish Council agreed to a proposal to investigate the possibility of mid-level lighting being installed along the Beach Green to Widewater promenade. The idea had been included in the original Lancing Vision but the high amounts of previous quotations had prevented the project from moving forward.

Notwithstanding the potential costs, the first years’ work on the project included consultation with local residents and the Police. Local residents were in favour of the Beach Green section being lit, but not Widewater due to the impact it would have on the local nature reserve.

The advice the Police provided was that overall evidence suggested improved street lighting could reduce crime. The project would also provide the opportunity to install a CCTV camera. Given that there was an element of antisocial behaviour since the skatepark had been installed at Beach Green, and which continues, it further cemented the need for a lighting scheme. (Note - the CCTV element of the scheme is ongoing separately with the Sussex Police CCTV Partnership.)

Taking into account the high costs of installing actual ‘promenade’ lighting, an alternative design for lighting Beach Green was therefore considered, i.e. 8 units to light from the new path at the southwest corner of the car park, along the back of the car wash, then south towards The Perch, then east to the junction of the coastal path/main central path. The Perch also acknowledged that this option would benefit its business. Various lighting columns were considered, but to be most effective, 5 or 6 metre high columns were recommended. The chosen columns were 5 metre high mid-hinge (to aid with maintenance) with led lamp units, to be switched on at dusk via a photocell and to automatically switch off at a nominated time, e.g. 10.30pm, via a switching unit mounted in a feeder pillar that will be located at the junction of the existing access track and the new path from the car park.

A further public consultation was carried out to advise residents of the change of scheme, which once again proved in favour of lighting Beach Green.

In July 2019, the Council agreed to fund the completion of the project.

Relevant Planning History

AWDM/0259/16 - Construction of permanent skate park constructed in concrete of varying heights with soft landscaped surrounds – approved

Consultations

Sussex Police

Representations

1 letter received querying the intensity of illumination

Letter of objection received from a resident in Brighton Road:

- Plans provide little detail of wattage, lumens, light direction and times when lights will be switched off
- Are they solar powered?
- What is the justification for burning extra power with global warming?

2 letters of support received on behalf of The Perch Café:

- Lighting will improve safety and security for staff and customers of The Perch
- Lights are well designed

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 9, 15

Lancing Vision 2012

National Planning Policy Framework (February 2019)

Relevant Legislation

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

Planning Assessment

Visual amenity

The green is relatively unlit at present and the introduction of lighting does have the potential to be intrusive. However, the proposed light columns are slim and at 5m high will not be excessively tall, being lower than the average street lamp. They will be evenly sited around the green and, while they will be noticeable, it is not considered that they will cause serious visual harm. They will be limited to a particular area of the green only and will not be illuminated after a nominated time, suggested as 10.30pm, thereby avoiding unnecessary light pollution through the night. Light is already visible through

the windows of The Perch during the evenings and the street lamps will not therefore be introducing light into a completely dark area.

A lighting plan submitted with the application shows that the lights will have limited spillage beyond the pathway. They will not be cowled so there will be an element of 'glow' around the lights. However, they will have low intensity light levels (6 LED watts/800 lumens). The Parish Council have stated that they are willing to have the lights cowled if required and it is considered that this is desirable in order to minimise light pollution in this open, relatively unlit area.

It is considered that the proposal is acceptable in visual terms.

Residential amenity

The light columns will be sufficiently distant from residents along Brighton Road and should not cause any harm through light spillage, particularly as there are street lights along Brighton Road already. While the columns will be visible, their slim design will prevent them being unduly intrusive.

There are flats above The Perch but their main outlook is to the south. As the lights are to be switched off at a reasonable time there should be no adverse impact to those residents.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Hours of illumination – switch off by 10.30pm every day
4. Lights shall be cowled before first use in accordance with details to be submitted and retained thereafter

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

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

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

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

7.0 Reputation

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

8.0 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.