



**ADUR DISTRICT
COUNCIL**

**Planning Committee
5 December 2022**

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/2294/21 Recommendation – Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from Technical Services

Site: Development Site At 12 To 18 Old Shoreham Road, Shoreham-by-Sea

Proposal: Erection of seven new-build townhouses (C3) consisting of a terrace of five houses (3 storey at front and 2 storey at rear) with integrated car parking and a pair of semi-detached three storey dwellings with integrated car parking

2

Application Number: AWDM/1698/22 Recommendation – APPROVE

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

Proposal: Demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses (including lower ground floor below existing ground level. Application for a removal and Variation of conditions of previously approved AWDM/2007/21. To vary Condition 1 (Approved Plans) and Condition 3 (External Materials), to remove Condition 14 (Drainage) and to add a condition relating to a Construction Management Plan

3

Application Number: AWDM/2068/21 Recommendation – APPROVE

Site: Garage Compound, Gravelly Crescent, Lancing

Proposal: Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent

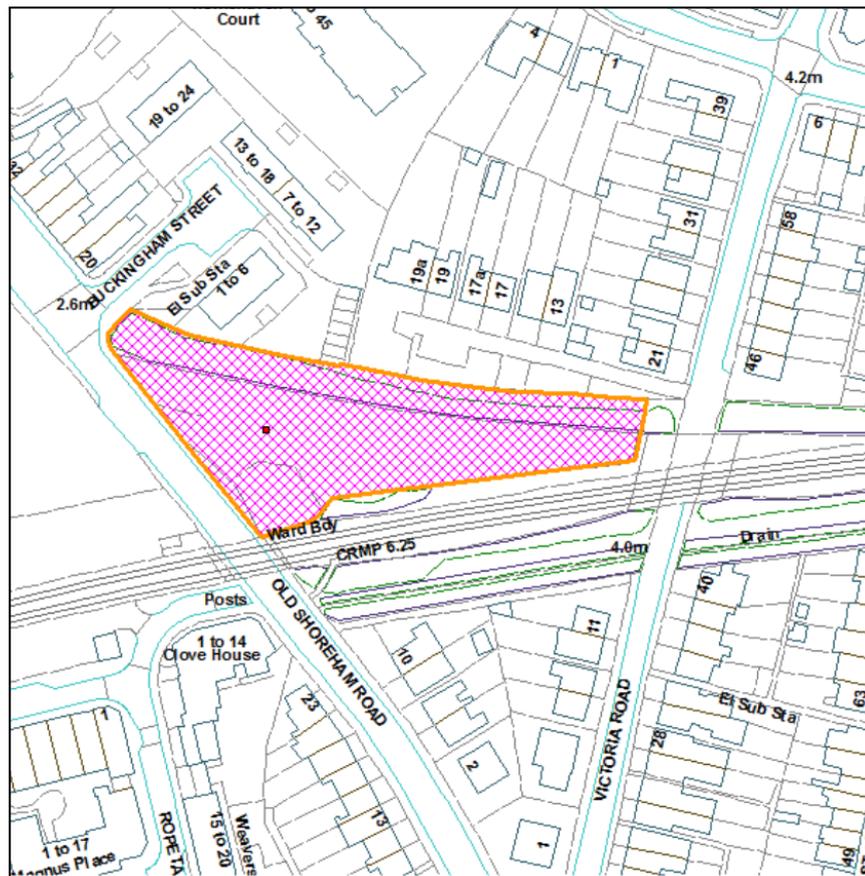
4

Application Number: AWDM/0827/22 Recommendation – APPROVE

Site: Garage Block 88 To 97 Daniel Close, Lancing

Proposal: Demolition of existing garages; erection of 9no. dwellings and associated works

Application Number:	AWDM/2294/21	Recommendation - Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from Technical Services
Site:	Development Site At 12 To 18 Old Shoreham Road, Shoreham-by-Sea	
Proposal:	Erection of seven new-build townhouses (C3) consisting of a terrace of five houses (3 storey at front and 2 storey at rear) with integrated car parking and a pair of semi-detached three storey dwellings with integrated car parking	
Applicant:	Adur Developments Ltd	Ward: St Nicolas
Agent:	Paul Joyce, Lewis and Co Planning Se Ltd	
Case Officer:	Gary Peck	



Not to Scale

This application has been called into the Committee for determination by Cllr Gabe Crisp

Proposal, Site and Surroundings

This application, which has been amended during its determination, seeks full permission for the erection of 7 dwellings. As originally submitted, 2 additional dwellings were proposed to the rear of the site but following feedback from your officers these units were removed from the application and amended plans subsequently submitted.

The application now therefore comprises 7 x 3 storey townhouses with floor areas of between 145 and 150 square metres. Each unit has 2 allocated parking spaces with 4 of the units also having a private garage.

The units are all 4 bed with the terrace of 5 units being at split level due to the rising ground to their rear, but each of the dwellings has a 3 storey element. The bedrooms are set out at 1 at first floor level and the remaining 3 at second floor level.

A block plan and elevation details are shown below:





The application site is triangular and is bordered by the Coastway west railway line to the south and a disused railway embankment from the old Shoreham-Steyping-Horsham railway line to the north. There is a row of established trees to the northern boundary. Old Shoreham Road is the front western entrance to the site with the completed part of the Ropetackle North development across the road.

To the north of the application site are 3 storey flats in Buckingham Street, while to the rear, north east of the site are residential properties accessed via a private road to the west of Victoria Road.

Relevant Planning History

The application site formed part of the Ropetackle site originally granted outline planning permission in 2015 under reference AWDM/0935/13. The indicative plans submitted with the application suggested provision for mixed-use buildings in this part of the wider Ropetackle site comprising retail uses at ground floor level, with residential accommodation above.

Full planning permission was granted for the remainder of the site to the west side of Old Shoreham Road in 2017 under reference AWDM/1006/16 except for an area in the southeastern corner which is currently the subject of an undetermined application for a proposed mixed use building set over 5no. floors comprised of ground floor commercial space (Use Class E) and 34 new apartments (AWDM/1314/22)

Consultations

Environment Agency - initial comments

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

Reasons - The application site lies within Flood Zones 2 and 3, which is land defined

by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. The NPPF (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection.

Further comments (a Flood Risk Assessment had been submitted with the application)

We acknowledge that a Flood Risk Assessment (FRA) was submitted with the application and we have now had an opportunity to review that FRA (entitled 'Site2B Ropetackle North, Shoreham Waterfront, Old Shoreham Road, Shoreham, BN43 5FL – Flood Risk Assessment & Surface Water Drainage Strategy', dated October 2021, ref: MC0031 ADL Ropetackle 2B, by Meridian Civil Engineering Consultancy Ltd). Our position and comments are set out below.

Environment Agency position

We are satisfied that our previous objection to the proposal (as per our letter dated 17 January 2022, our ref: HA/2022/123882/01) can be removed provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Following the receipt of amended plans reducing the development to 7 dwellings (from 9), the EA confirmed they maintained their position of no objection.

Environmental Health Private Sector Housing

No objection

Environmental Health Public Health

Contaminated Land

The Design and Access Statement identifies contaminated land as a constraint for this site. However, no risk assessment has been submitted with this application. Looking back at the outline permission (AWDM/0935/13) which covers both this site and the larger Riverbank Business Centre (Phase 1) a ground investigation report was submitted, although there seems to have been very little

discussion/consideration of this small Phase 2 area, with the focus of the report being on the larger Phase 1 area. There appears to have been 2 soil samples taken from this Phase 2 area in 2008, but only one very shallow sample appears to have been analysed for contamination, this identified elevated levels of PAHs. We would require a more indepth assessment to be undertaken, specific to this development site.

Noise

The Shoreham Waterfront Development (Scheme 2b), Shoreham Residential Development Noise & Vibration Impact Assessment Draft Report (10th November 2021 11582B.001R.2.0.RF) has been submitted with this application. Section 3.3 of this report makes reference to the planning guidance document 'Planning Noise Advice Document – Sussex', produced by Local Authorities in Sussex, including Adur & Worthing Councils, which sets out the required approach for undertaking noise assessments for certain types of development. However, it appears the consultant may not have been making reference to the current document dated March 2021, as this specifically advises the requirement for the Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 to be followed when a development is within close proximity to an A class road or a railway line.

The submitted Noise and Vibration Impact Assessment makes no reference to this guidance and there does not appear to have been any consideration given to good acoustic design. The provision of mitigation such as mechanical ventilation should only be considered if all options for good acoustic design (e.g. orientation of the site, locating noise sensitive rooms away from noise sources, barriers etc) have been exhausted.

Vibration

The vibration assessment within The Shoreham Waterfront Development (Scheme 2b), Shoreham Residential Development Noise & Vibration Impact Assessment Draft Report (10th November 2021 11582B.001R.2.0.RF), section 6.6 is acceptable. The results indicate that the period vibration dose values (VDV's) for daytime and nighttime are expected to fall below or within the range which, according to BS6472, there is a low probability of adverse comment, and therefore no mitigation is required.

Air Quality

As this development site is within close proximity to an AQMA the applicant should provide an Emissions Mitigation Assessment.

Technical Services

Flood risk - The application is within flood zone 1 and has small areas within flood zone 3. The site is not shown to be at risk from surface water flooding.

Surface water drainage - the application form indicates that it is proposed to

discharge surface water via attenuated discharge to surface water sewer. The drainage strategy states that historic groundwater monitoring in the area established that groundwater was tidally influenced and shallow. We expect to see up to date site specific ground investigations to be completed to support the design at later stages. This should include some winter groundwater monitoring, and if groundwater is sufficiently deep on site winter infiltration testing.

Assuming that infiltration is evidenced to not be viable the proposals outlined within the drainage strategy appear broadly acceptable. However, we would like to point out that we do not support pumping of surface water. Please can the applicant submit evidence of the invert level of the surface water sewer within old shoreham road and evidence that a gravity connection will be achievable.

WE WOULD LIKE TO PLACE A HOLDING OBJECTION AT THIS TIME. It is essential to establish if there is adequate space for surface water drainage prior to agreement of the principle of development. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements.

To overcome this objection the applicant should submit:

1. evidence of the invert level of the surface water sewer in Old Shoreham Road at the proposed point of connection.
2. evidence that the sewer either has an existing connection from this site, or that the owner will accept a new connection.

If this information is satisfactorily submitted detailed drainage design can be left to pre-commencement conditions. Please re-consult us once further information is supplied.

Further comments from Technical Services are awaited on the amended plans and will be reported verbally at the meeting.

West Sussex County Council Highways

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the full planning application AWDM/2294/21, with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Statement (TS) and Design & Access Statement (DAS).

Site Context

The application site is a vacant brownfield site along A283 Old Shoreham Road and is situated immediately north of the railway line. The development proposals are for the construction of 9 nos.4-bedroom town houses (Use Class C3) consisting of a pair of semi-detached houses over four storeys with integrated car parking at ground floor level, a terrace of five houses over four storeys with integrated car parking and a pair of semi-detached two storey dwellings. Pre-application advice from WSCC for 9 nos. 2-bed town houses was sought in November 2021.

Access & Visibility

The site access fronts onto A283 Old Shoreham Road and is directly accessed using a dropped kerb. A283 Old Shoreham Road is a two-way single carriageway road subject to 30mph speed limit. The existing access will be reconfigured to gain access into the proposed development.

Visibility plans provided within the Transport Statement demonstrates that visibility splays of 43 metre are achievable along both directions from a 2.4 metre setback. This is in accordance with the requirements set out in Manual for Streets (MfS) for a posted speed of 30mph. As per the Stage 1 RSA recommendation the proposed fence lines must be kept clear to avoid any obstruction into the visibility splays.

Personal Injury Accident (PIA) Data

WSCC's online record for road traffic collisions have been interrogated. This reveals there has been no personal injury accident at the site access frontage within the last five years. This indicates the site access has been operating in a safe manner in its present form.

Refuse Collection / Servicing

Refuse storage areas are provided for each dwelling and on the collection day bins are wheeled to the bin point located at the entrance. Refuse collection will be carried out from the kerbside in line with the existing arrangements for the neighbouring properties.

A fire tender will be able to enter the site from Old Shoreham Road and be able to reach all dwellings which are well within 45 meters from a standing fire tender.

Sustainability

Old Shoreham Road has footways along both sides of the road which connects onto wider footway network. Good street lighting system provision along these roads is conducive to walking and cycling. The site benefits from many shops, schools, amenities within walking distance of the site.

The nearest bus stops are located within 100m distance to the north of the site at Swiss Cottage stops and the nearest train station is Shoreham-by-Sea station which is around 1km from the site.

Therefore, the site is considered sustainable.

Parking & Turning

WSCC Car Parking Guidance has been interrogated to estimate the number of parking spaces required by the proposed development. As the site falls within parking behaviour zone 3 there would be a requirement of 23 spaces. Nomis data has also been interrogated to understand the local car ownership patterns for the

local area. The analysis shows that the ratio is 0.43 cars per bedroom which equates to 16 spaces. The development proposes a total of 18 car parking spaces at a ratio of 2 nos. spaces per dwelling.

There are parking restrictions in the form of double yellow lines in the vicinity of the site which prevents the residents from parking on the street; hence, will not create highway safety implications. However, the Local Planning Authority may wish to consider the amenity implications.

WSCC's car parking guidance requires a minimum 37% for 2022 of all parking spaces be provided with 'active' charging points and the remaining parking spaces provided with ducting for 'passive' provision of these spaces to be upgraded in future. It is noteworthy that the revised Building Regs (Approved Document S <https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s> shall come into effect from 15th June 2022. This regulation requires all the parking spaces to be provided with 'active' charging points.

No information about Electric Vehicle Charging (EVC) is provided within the Transport Statement; hence, LHA would direct the Local Planning Authority (LPA) to seek clarity with regards to EVC provision for the new parking spaces.

A total of 18 cycle parking spaces, 2 per each dwelling, will be provided for the proposed development within a safe and secured place.

Swept path analysis carried out using a large car, 3.5T panel van, and a fire appliance demonstrate that these vehicles can enter the site, turn within the site, and exist the site in forward gear. This indicates the site access is fit for purpose.

Trip Generation and Highway Capacity

A TRICS assessment has been carried out to indicate the likely level of trips (two-way) during the AM and PM peak hours and total daily. As demonstrated within the TS the proposed development could generate circa 5 trips in the AM peak hour, 5 trips during the PM peak hour and an overall total of 42 vehicular trips. This level of trips is not expected to give rise to a highway capacity issue on the local highway network.

Conclusion

The Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

Following the reduction in the number of dwellings, WSCC further commented that amended plans have now been submitted with this consultation for which the LHA would raise no objection in terms of Highway safety or capacity.

West Sussex Fire and Rescue Service

Having viewed the plans for the planning application no. AWDM/2294/21 for the erection of nine new-build townhouses (C3) consisting of a pair of semi-detached houses over four storey with integrated car parking at ground floor level, a terrace of five houses over four storey's with integrated car parking and a pair of semi-detached two storey dwellings, evidence will be required to show that all parts inside all dwelling is within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.

Network Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed development to Network Rail's viaduct and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. Of particular interest to our Asset Protection team is how Network Rail will be able to continue to inspect and maintain the railway viaduct both during both the construction and operational phases.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/>.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Southern Water

No objection

Representations

Originally submitted plans for 9 dwellings

A joint letter was submitted by 5 residents in Victoria Road, to the rear of the site stating:

As residents of the section of Victoria Road immediately to the north of the application site, we object to this application.

The principal issue is that the application drawings give no indication of the relative levels between the proposed new dwellings and our houses. A section drawing would enable the relationship to be seen, and thus the effect of the proposal understood. Specifically, both the east pair of semi-detached houses, and the block of four storey town houses have the potential to directly and adversely affect our privacy, light and outlook.

At present, the front facades of Nos 13 - 19a Victoria Road, including principal bedrooms at first floor, enjoy a high level of privacy, high light levels and a sense of openness, from their southerly orientation. The nearest proposed buildings appear to be set on higher ground, and are respectively, full two stories and four stories tall. These proposed buildings are immediately south and south-west of ours, and so, if at all elevated, would directly impact on our light and outlook, as well as directly overlook our bedroom windows. Again, if elevated, the buildings could be severely overbearing.

We understand that Policy 15 of the Adur Local Plan requires development to not have an unacceptable impact on adjacent properties, particularly dwellings, including unacceptable loss of privacy, daylight/sunlight and outlook. No consideration is given to these matters within the application documents, in respect of our properties, bar an indication that new tree planting along the application site's northern boundary would alleviate potential overlooking/privacy issues. New planting would take a considerable time to establish and mature to a height where it would be effective, although anything deciduous would only provide effective screening when in leaf. Conifers, unless pruned, could grow to a height where they themselves cut out light and outlook. It is not evident that planting could provide an effective long-term solution to the potential problems.

Accordingly, we would be grateful if additional information on relative levels could be provided by the Applicants, so that the impacts upon our amenities can be properly assessed.

1 letter of support was received stating:

This application has my full support. The development of this unsightly derelict site would be a significant benefit to the immediate area.

Following the receipt of amended plans reducing the scheme to 7 dwellings

1 letter of objection received stating that there is too much development in the area

2 letters requesting further clarification:

- *The principal issue is that the application drawings give no indication of the relative levels between the proposed new dwellings and our houses. A section drawing would enable the relationship to be seen, and thus the effect of the proposal understood & whether proposed development has the potential to directly and adversely affect our privacy, light and outlook. With the new proposal, are there further details around: Consideration of privacy, tree planting plan? Details of use for the 'triangle' of land which is not being developed? There are limited drawings of what the rear of the proposed development will look like - ie what we will see!*
- *I note the latest application is for a reduced proposal which must improve the impact on our cul-de-sac lying behind the development. But it is difficult to assess the impact on us in the absence of critical cross sections or artists' impressions. There is an artist's impression looking south along the Old Shoreham Road but this does not help us. Also we need a cross section across to the flats in Buckingham Street. They are three storeys high under a pitched roof which should equate to the proposal provided the base is at the same height above sea level. And we need a cross section from the north end across to numbers 19/19a which are our nearest houses to the development. When this 'Ropetackle North' development first was exhibited several years ago when outline approval was granted, the northernmost point was further set back from us as there was vehicular access around the north end.*
- *LANDSCAPING: trees are shown on the plan which will be the existing embankment ash trees. Unfortunately I suspect they are suffering from ash die-back disease. They may need removal before work starts. CAN we PLEASE HAVE AN ASSURANCE THESE WILL BE REPLACED BY SIZABLE TREES OF ANOTHER SPECIES. NOT small saplings which will take donkeys years to have any impact in replicating the current leafy ambience which has been a very important well-being feature for us over many years.*

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Policies 1 - The Presumption in Favour of Sustainable Development,
 3 - Housing Provision,
 11 - Shoreham-by-Sea,
 15 - Quality of the Built Environment and Public Realm,
 18 - Sustainable Design,
 20 - Housing Mix and Quality,
 34 - Pollution and Contamination,
 36 - Flood Risk and Sustainable Drainage

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

Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Planning Contributions for Infrastructure Provision (ADC 2013)
Demonstrating Genuine Redundancy of Employment Sites (ADC 2019)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)
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) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

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

Planning Assessment

The application site forms part of the Ropetackle North allocation as set out initially in the previous Local Plan and reaffirmed as an allocated site in the 2017 Plan. Much of the development to the western side of Old Shoreham has been completed with a current application being considered for the remaining part in the south-eastern corner of the site. Although the site which is the subject of this application was included in the outline permission, it did not form part of the subsequent Reserved Matters consent and hence has lain vacant for some years now.

It was previously anticipated that this part of the site would incorporate a mixed use development, with employment uses and residential use being shown on the original outline plans. The current Local Plan policy (11) while stating that Ropetackle North as a whole as a whole is anticipated to provide a '*mixed use development to include housing and employment*' does not specifically require this parcel of land to provide a mixed use development. The approved development now built does incorporate a riverside cafe and retail floorspace and therefore an element of commercial floorspace has already been provided. Furthermore, the current undetermined application within the main site does include commercial development across its ground floor. Given the mixed uses already secured on the site as a whole and the lack of any development coming forward previously on this parcel of land, it is not considered that the principle of a solely residential development on this part of the site is unacceptable. In this respect, the site is located some distance from the town centre in a predominantly residential area and the provision of additional housing has significant benefits given the need for additional housing to meet current unmet needs.

Additionally, the site is constrained not only by its triangular shape but also because

of the difference in site levels to the rear with the row of residential properties accessed via Victoria Road. The application, as originally submitted, included 2 further dwellings to the rear portion of the site. Your Officers not only considered that this would provide a rather poor layout in what is essentially a frontage led scheme, but also the provision of 2 dwellings to the rear of the site would have an adverse impact upon the amenities of those nearby residential properties, as attested by the letters of representation received by those properties. The applicant subsequently agreed to delete those rear properties from the application and accordingly amended plans were submitted reducing the scheme to the current 7 units.

In terms of the impact upon neighbouring residential amenity, it is considered that the proposal is now acceptable with the removal of the 2 rear dwellings. The proposed dwellings (in the terrace of 5) are now in excess of 35 metres away from the properties in that section of Victoria Road nearest to the application site. These properties are 2 storey at the rear as they would be constructed into the slope and it is not considered, therefore, that despite the higher level of the site than its surrounds to the rear, there would be a material impact upon residential amenities to the rear sufficient to warrant the refusal of planning permission. The 3 storey properties in Buckingham Street would be partly screened by existing planting and in any case would be at an oblique angle to the pair of dwellings in the north western part of the site.

In visual terms, it is considered that the redevelopment of the site would have the opportunity to improve the visual appearance of the area. The undeveloped nature of the site as well as partly being used for the deposited materials from the first phase of development gives it a rather unattractive appearance especially now that the majority of the redevelopment across the road has taken place. Nonetheless, it is very important that the scale of development is appropriate to the surroundings and similarly the design of the dwellings has been reduced in scale during the determination of the application. Initially, the proposed dwellings were a storey higher than now proposed. While it was noted that the outline application anticipated a building of height similar to those originally proposed, it would have been unlikely to be the case that such a building would have spread across the majority of the frontage as is proposed under the current scheme.

As a purely residential scheme, it is considered more appropriate that the scale of the dwellings should reflect the surrounding scale of development which, on the eastern side of Old Shoreham Road, is predominantly 3 storeys. Accordingly, the subsequent amendments to the application reducing the development to a maximum of 3 storeys in height, but in a not significantly different style to the existing development across the road, is considered to be a significant improvement and will enhance the street scene.

In respect of sustainability, an Energy Statement has been submitted with the application which states that Air Source Heat Pumps have been identified as the most appropriate low carbon technology for the development. It is stated that the identified measures would result in a 76.63% carbon saving over the target emissions rate which would exceed the policy requirements in the Local Plan (10%).

The submitted landscaping information indicates that some low grade trees are to be

removed but the majority of the remainder will be retained. The landscape buffer to the north is especially important and can be retained and enhanced by condition. Local residents have requested that replacement trees should be of an appropriate size and this can be secured by planning conditions.

The application site is predominantly in Flood Zone 1 (FZ1) where there is the lowest risk of flooding except for a small part of the site to the western side which falls within FZ3. This has informed the internal layout of the dwellings with garaging being located on the ground floor and accordingly it will be possible to comply with the condition as suggested by the Environment Agency. Ordinarily, a Sequential Test would be required for any development on FZ3, to demonstrate that there are no other more appropriate sites for development, however, as this is an allocated site such a test would not be required as the sequential site assessment was undertaken in connection with the Local Plan.

The Technical Services Officer originally raised concern about the scheme as initially submitted but does not appear to have commented on the subsequent revisions. Further comments have therefore been requested prior to the meeting. The key issue is whether a pumping station can be avoided in line with current guidance which suggests that they should only be used as a last resort (in view of ongoing management responsibilities for residents and/or management companies).

Conclusion

The amendments to the application, resulting in the reduction of the scheme by 2 dwellings as well as a storey in height, are considered to be acceptable and will result in an attractive development in a sustainable location which will make a contribution to the District's housing requirements. Accordingly, it is recommended that permission be granted.

Recommendation

Delegate to the Head of Development to GRANT permission subject to the receipt of satisfactory comments from Technical Services.

Subject to conditions:-

1. Approved Plans
2. Full Permission
3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('Site2B Ropetackle North, Shoreham Waterfront, Old Shoreham Road, Shoreham, BN43 5FL – Flood Risk Assessment & Surface Water Drainage Strategy', dated October 2021, ref: MC0031 ADL Ropetackle 2B, by Meridian Civil Engineering Consultancy Ltd) and the following mitigation measures it details:
 - Habitable rooms shall be located above 6.3 mAOD, with the ground floors to only be used as non-habitable rooms (i.e. garages, storage and WC) (Sections 14.2, 15.11 & 15.13 of the FRA).

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

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

- (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

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

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

- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

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

5. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from transport noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles

contained within the Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 and Calculation of Railway Noise 1995. The scheme should demonstrate good acoustic design, include full details of glazing, and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

6. As this is an application within close proximity to the Shoreham Air Quality Management Area, the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2020):

<http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>.

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 Adur/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>).

7. 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
8. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted

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

9. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity
10. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual
11. No construction works shall progress beyond slab/foundation stage until details and samples of facing materials and finishes to be used in the construction of the external walls, roofs, windows, doors, balconies, footpaths and ground floor patios of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the approved details

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

12. The development hereby permitted shall not be occupied until boundary walls and/or fences have been erected in accordance with details that have been first submitted to and approved in writing by the local planning authority

Reason: In the interests of visual and residential amenity and having regard to policies 15 and 34 of the Adur Local Plan

13. All soft landscape works, including the retention of the tree screen to the northern boundary, shall be carried out in accordance with the approved scheme no later than the first planting season following completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced the following planting season with others of similar size and species, unless the local planning authority gives any consent for variation. The approved hard landscape works, including car park surfacing, shall be completed prior to first occupation of the buildings.

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

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification), the proposed dwellings shall not be extended or altered by means of any development as set out within Classes A, B, D and E of Part 1 of the Schedule to that Order.

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

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

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

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

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

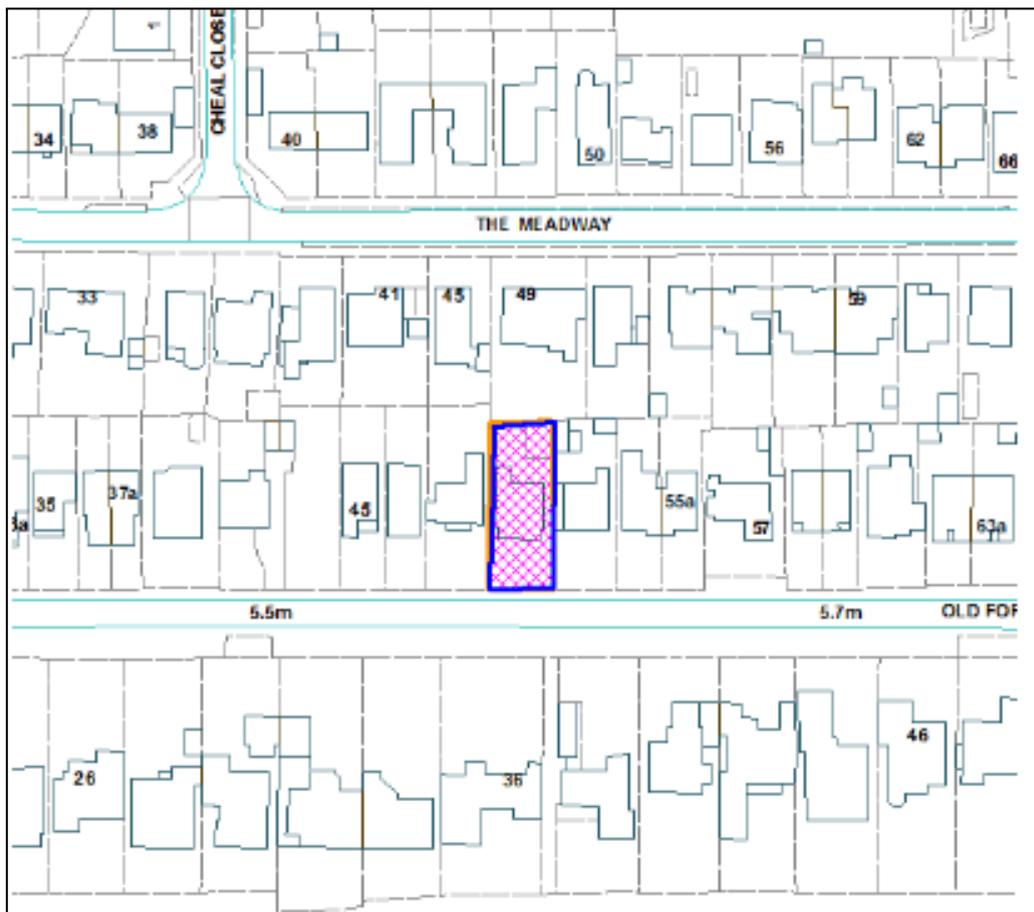
17. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

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

Informatives

1. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage <https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>. A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions
2. The applicant is requested to note that Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing
3. Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Application Number:	AWDM/1698/22	Recommendation - APPROVE
Site:	51 Old Fort Road, Shoreham-By-Sea, West Sussex	
Proposal:	Demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses (including lower ground floor below existing ground level. Application for a removal and Variation of conditions of previously approved AWDM/2007/21. To vary Condition 1 (Approved Plans) and Condition 3 (External Materials), to remove Condition 14 (Drainage) and to add a condition relating to a Construction Management Plan.	
Applicant:	Mrs Brenda Collins	Ward: Marine Adur
Agent:	James Breckell	
Case Officer:	Hannah Barker	



Not to Scale

This application was called in for determination by the Planning Committee by the local Member Councillor Joss Loader. However, the previous application was considered by the Committee as the applicant was the wife of a former Councillor David Collins.

Proposal, Site and Surroundings

The previous application for “Demolition of existing chalet bungalow and construction of a pair of semi detached 3 storey, 3 bedroom houses (including lower ground floor below existing ground level” AWDM/2007/21 was approved by members in March 2022. The current application proposes the following changes and approval of additional information to the existing consent: -

- Variation of materials, the proposed plans show the previously approved brickwork and brown weatherboarding replaced by white render at ground floor and first floor white cladding.
- Changes to windows, there are no additional windows proposed. Some windows have been removed and changed in size with some slight increases and design and appearance of the windows have changed in some cases.
- Additional construction details have been provided on the submitted drawings showing the lower ground floor level in more detail, including details of excavation and retaining walls.
- The addition of a ground pump is proposed, this is electric and is required to remove any run-off from the lower ground floor patio area.
- The plans show an air source heat pump for each of the dwellings, which was not provided in the previous scheme.
- A Construction Management Plan (CMP) has been submitted to accompany the application.
- Drainage details have been submitted to seek to remove condition 14 of the previous permission:

“Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

There are no changes proposed in terms of the building heights and position of the dwellings on the site. The only plans submitted changing from those previously

approved are the proposed elevations. The site, location and block plans remain as previously approved. Additional plans have been submitted for approval showing the changes as set out above.

Consultations

West Sussex County Council: The Highway Authority comments: - Condition 1 - This condition relates to the alterations proposed to elevations and plans approved under the original application. The LHA has no concerns over these details. Conditions 3 and 14 are non highway related.

The LHA does not oppose details provided within the CMP.

Adur & Worthing Councils: The **Environmental Health** officer - Private Sector Housing states - No comment.

Public Health: - There are no adverse EH comments for this application.

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

The proposed approach should provide sufficient information to satisfy the requirements of the BRE 365 test.

I have looked on the planning portal and it would appear that additional information AWDM/1698/22 has recently been submitted . I would be grateful if some record of the testing could be provided to support the submitted calculations.

Further details have been submitted and **no objection** is now raised on drainage grounds and Condition 14 can be removed.

Environment Agency: -. No comment

Southern Water Services: No comment

Representations

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

- Effect on trees
- Surface water drainage
- Lightwell to flexible room has been enlarged, more excavation.
- Building closer to the road.
- Window changes.
- Concerns relating to the excavation and removal of shingle to create flexible room.
- Water chamber proposed, noise a concern.
- Piling required. Piling is of concern.
- White cladding will create a stark block.

- Substantial hole needs to be excavated to accommodate the structure.
- Needs to go back to Committee.
- Pump added to the structure is noisy.
- Impact of trees upon drainage system/soakaway
- Additional piling and excavation required for enlarged basement.
- Concerns with details set out in the CMP.
- Impact of construction works to neighbours pond.
- Should be measures to prevent pollution.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 15, 21, 37

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

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

WSCC Guidance on Parking at New Developments (Sept 2020).

National Planning Policy Framework (July 2021)

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

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

Principle

The pair of semi detached dwellings have been granted consent and as stated above the proposals here include changes to materials, window detailing, approval of drainage details and CMP. The relevant issues here are the effects on the amenities of neighbouring residential occupiers, design and the effect on the character and appearance of the area, drainage, highway and noise impact.

Visual amenity and Street Scene

The street scene and surrounding locality comprises an eclectic mix of property style, design and use of materials. The changes proposed here from brick and brick colour weatherboarding to white render and white cladding will represent a significant change to the appearance of the dwellings, however, in terms of the street

scene this will still complement the locality and would not warrant a refusal in this case.

Similarly the changes to the window designs will alter the appearance of the building yet these minor changes would not compromise the approved design and there would be no adverse visual impact.

Residential Amenity

The main properties to be affected by the proposed development are those either side of the site no. 49 and 53 Old Fort Road, those on the south side of Old Fort Road opposite and those to the rear in The Meadway. Objections have been raised, details are set out above.

The changes to the materials and windows would not give rise to any harmful impact, increased overlooking or loss of privacy than would be the case with the existing consent. The distances between the proposed windows and neighbouring properties was deemed acceptable when the previous application was considered and these changes would not warrant a refusal.

The proposed drainage details provided show a pump in the basement for surface water, this pump will be underground and will be used very intermittently. Environmental Health has confirmed that this will not have any adverse impact upon the occupiers of adjacent neighbouring properties. Similarly the proposed air source heat pumps to the front of the property will not have such an impact to warrant a refusal (and would be a positive step in terms of the sustainability of the project). Any noise or vibrations will not be such to have a harmful impact upon adjacent residents.

Drainage

As stated above the current application seeks to remove condition 14. Following submission of the previous application this condition was required. The current application provides drainage details and engineers have been consulted and have the following comments: -

The proposed approach should provide sufficient information to satisfy the requirements of the BRE 365 test. I have looked on the planning portal and it would appear that additional information AWDM/1698/22 has recently been submitted . I would be grateful if some record of the testing could be provided to support the submitted calculations.

The applicant has undertaken further on site monitoring of infiltration rates (after agreeing the approach with our Engineers) and a video has been provided showing the effective nature of the ground conditions to provide appropriate surface water disposal. The applicant states that,

'The key characteristic here is that the shingle will not hold water long enough to record data. Winter infiltration data cannot be gathered because rainwater is drained naturally into the shingle so efficiently. We understand that rainwater drainage is

important in some areas that might be clay or chalk, the design is very important to the success of a housing project. But on Shoreham Beach rainwater drainage is not an issue.

We hope that the combination of our drainage design as submitted and the evidence shown in the video will enable your engineers to recommend that the planning condition be lifted and that this can be supported at committee.'

The Council's Engineers now accept that the further information addresses the requirements of the original planning condition and therefore it would not need to be re-imposed on this new permission. The other changes to the scheme are considered to be acceptable and accordingly it is recommended that the application as submitted be granted permission. The relevant previous conditions have been replicated below in addition, conditions securing the new details and agreement of the Construction Management Plan.

Other Matters

It should be noted that Condition 9 of the previous consent stated: -

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

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

There is no requirement for the applicant to discharge this condition or to submit any details to the Local Planning Authority. However this condition must be adhered to, the applicant and agent have been made aware of this and have advised that they will mitigate against any impact accordingly.

The applicant has advised that during demolition a concrete slab reinforced with steel was discovered under the former workshop/garage. There were no signs of roots within this area which will reassure neighbours.

Recommendation

APPROVE

Subject to the following conditions: -

1. Approved Plans.
2. Time limit (consistent with the original planning permission).
3. Materials as set out in the Approved Plans.
4. Removal of P.D including outbuildings.

5. Hours of work.
6. No additional openings, obscure glazing to east and west elevations and privacy screens to be installed prior to occupation.
7. The dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day. The dwelling shall not be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority
8. The sustainability and energy efficiency measures referred to in the Design and Access Statement (submitted with the original application AWDM/2007/21) shall be installed before the dwelling hereby approved is occupied.
9. Tree Protection.
10. Access (Access to be provided prior to first occupation)
No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan and numbered 04A.

Reason: In the interests of road safety.

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

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

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

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

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

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

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

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

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

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

17. The details contained in the Construction Management Plan submitted 19th October 2022 shall be complied with at all time during the construction process.

Informatives

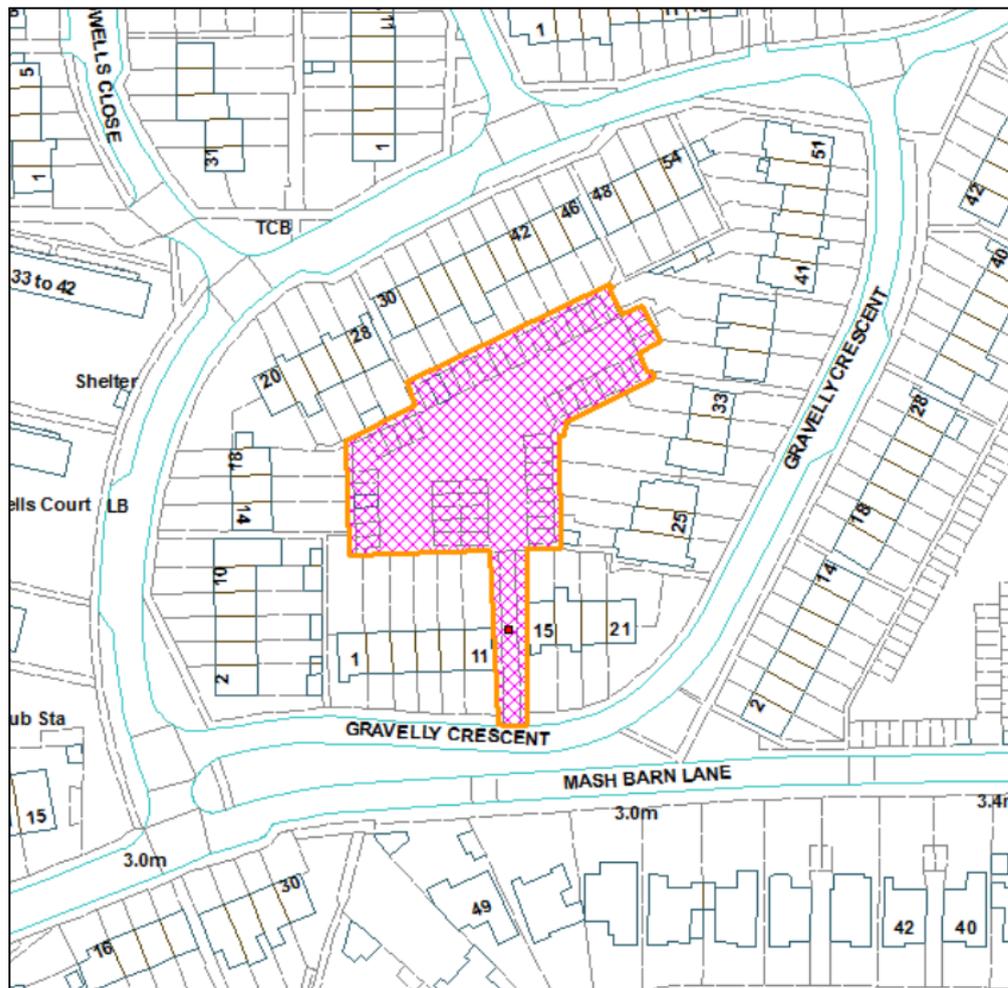
1. Pulverised Fuel Ash
2. Proactive no amendments
3. Lamp Column Relocation. The applicant is advised to contact the operator of the street lighting pole to organise the moving/relocation works.
4. Vehicular crossover
5. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest

recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage

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

6. SW standard informative
7. SUDS
8. Infiltration rates
9. Change of address.

Application Number:	AWDM/2068/21	Recommendation - APPROVE
Site:	Garage Compound, Gravelly Crescent, Lancing	
Proposal:	Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent	
Applicant:	Mr J Lock, Adur District Council	Ward: Mash Barn
Agent:	Neal Thompson, Robinson Escott Planning	
Case Officer:	Gary Peck	



Not to Scale

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This application is presented to the Committee for determination as Adur District Council is the applicant.

Proposal, Site and Surroundings

The application seeks full planning permission to demolish the existing garages on site and their replacement with 7 dwellings, 4 of which will be 3 bed of 97 sq m in size, 2 will be 2 bed of 81 sq m in size and the other will be a 1 bed disabled access bungalow of 60 square metres.

The proposed development will comprise two blocks of terraces. The 4 x 3 bed dwelling will be situated on the western side of the site in a terraced block, while to the eastern part of the site on a broad north to south orientation will be 3no. dwellings, with unit 7 being a single storey dwelling. Both of the blocks will be arranged in a north-south orientation. 16 parking spaces will be provided. Air Source Heat Pumps will be provided to service the development.

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

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

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

The application was submitted in November 2021 but has been the subject of detailed discussions regarding drainage issues during its determination.

Relevant Planning History

None relevant to the determination of the application.

Consultations

Technical Services

Original comments

Thank you for the opportunity to comment upon this application. We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 3, and does have some areas shown to be at risk from surface water flooding. The exception and sequential test should be applied. We do not believe that this site has been allocated within the local plan.

Surface water drainage - the flood risk assessment indicated that the existing site drains via soakaways. No existing connection to the private surface water sewer has been demonstrated. The strategy proposed to drain the access road via infiltration, and to drain the remainder of the development via attenuated discharge to a private

surface water sewer. Infiltration should be fully investigated. No evidence has been supplied to demonstrate that permission to discharge to the surface water sewer has been obtained. Surface water must not discharge to the foul sewer. It has not been evidenced that a policy compliant surface water drainage solution can be delivered here with the site layout as proposed. We therefore wish to raise a HOLDING OBJECTION to this application.

Please can the following information be supplied prior to determination:

- 1. Evidence of permission to discharge to the private surface water sewer from its owner.*
- 2. Evidence that the distance from the lined permeable paving sub-base to the foul sewer meets the requirements of southern water.*
- 3. A suitable sequential and exception test.*

If this information is not provided prior to determination it is likely that the layout will unduly bias the design of surface water drainage and could result in flooding being increased elsewhere.

Should you decide to approve this application despite the holding objection please ensure the following conditions are applied:

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

“Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.”

and the accompanying informative:

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

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

<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>.

A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

Following first receipt of additional information

Thank you for re-consulting us. We maintain our holding objection at this time as it has not been evidenced that a connection to the surface water sewer can be achieved, i.e. permission obtained. We would strongly object to any proposals to discharge surface water to the foul sewer.

In our view determination should be delayed until it is evidence that either there is space for infiltration and that it will work, or that permission to connect to the surface water sewer has been obtained.

Following second receipt of additional information and a meeting with officers

The Technical Services Officer confirmed that following the receipt of additional information from the applicant's drainage consultant, the previous concerns have now been resolved.

Environmental Health

There are no adverse comments for this application.

Given the location of the development, I would recommend the standard Construction Management Plan condition be attached to any permission.

Lancing Parish Council

No comment

West Sussex County Council

Background and Site Context

The development site is an existing garage court comprising 52 garages and areas of hardstanding used for informal parking of vehicles. Many of these garages are

used for general storage rather than for car parking, and as such they are considered too small to be used for parking of modern vehicles. The development proposals are for construction of 7 residential dwellings comprising 2 x two-bedroom units, 4 x three-bedroom units and 1 x one-bedroom bungalow with associated parking and landscaping.

Pre-application consultation was held with WSCC where no issues were raised with loss of garages in the manner proposed provided that the various assessment activities proposed within the Scoping Note were carried out. Also, the parking stress should not increase noticeably on the roads surrounding the site.

Access and Visibility Access into the Gravelly Crescent garages informal parking area is taken from the north of Gravelly Crescent via a dropped kerb crossover between 11 and 15 Gravelly Crescent. The existing access road is approx. 3m in width with footways along both sides. Gravelly Crescent is a local distributor road subject to 30mph speed limit. In accordance with Manual for Streets guidance, for a posted speed of 30mph speed limit, visibility splays of 2.4m x 43m should be achievable. However, due to the bend in the road visibility splay of only 2.4m x 20m is achievable towards the eastern direction. WSCC's online record for road collisions has been interrogated for the last 5 years which reveals there has been no single incident of personal injury accident near to the site access. This indicates that the site access has been operating in a safe manner.

Parking

WSCC's Guidance on Parking at New Developments (September 2020) has been used to calculate the car and cycle parking requirement for the proposed development. The development aims to provide a total of 16 parking spaces including visitor spaces, which are more than WSCC's parking requirements. It is anticipated that the additional spaces will be able to assist in the accommodation of vehicles that could be displaced because of removal of garages.

In line with WSCC's standards for cycle parking, each dwelling will be provided with two cycle parking spaces within a rear garden shed. Access to these sheds are provided from the rear of the dwellings so as to not carry the bikes through the property.

An independent parking survey was commissioned to understand the parking stress on the local highway network when the existing 52 garages are replaced with the proposed residential development. WSCC's Parking Capacity Survey methodology was used in carrying out the survey. The analysis shows a parking stress of 83% on first day of the survey and 86% on second day of the survey. This indicates there is sufficient spare parking capacity within the local highway network.

Internal Arrangements / Refuse Collection

In accordance with Adur's Space Standards SPD, each dwelling would be provided with a bin storage area to accommodate 2 x 240 litre wheelie bins. In line with the existing arrangements for the neighbouring properties, on the collection day, the bins will be collected from the kerbside or the refuse vehicle will be reversed onto the

refuse collection point.

Swept path analysis carried out using a West Sussex refuse vehicle demonstrates the vehicle can reverse onto the access road, near to the refuse collection point and exit in a safe manner. It is also noted that a light van can enter the development and turn within site using the turning head and exit in forward gear.

Trip Generation and Highway Capacity

TRICS database has been interrogated to calculate the estimated number of trips generated by the proposed residential development. For robust assessment the number of trips generated by the existing uses is not considered. Table 7 within the Transport Note shows the development is likely to generate total two-way movements of 9 in the AM peak hour, 8 in the PM peak hour and 71 during the total daily. The LHA consider that this level of trip generation does not cause a detrimental effect on the operation of the local highway network.

Sustainability

The development site is located within a residential area where there are footways and good street lighting system conducive to walking and cycling. Many facilities and local services are within walking distances. Bus stops are located within 200m distance from the site, along Shadwells Close. These stops provide services to Lancing train station, Shoreham-by-Sea, Worthing, Brighton City airport etc. Lancing train station is located within 1km from the site which provides connections to Portsmouth, London Victoria, Southampton etc. The site is in a sustainable location.

Conclusion

The Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

West Sussex Fire and Rescue Service

Having viewed the plans for planning application AWDM/2068/21, with the access route to the dwellings measuring approximately 60 metres, evidence is required showing sufficient turning facilities for a fire appliance to turn and make their exit. This is a requirement of Approved Document – B (AD-B) Volume 1 2019 edition: B5 section 13 Table 13.1.

Environment Agency

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

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the Planning Practice Guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Consider how undefended tidal flooding will affect people and property;
- Provide a comparison of undefended levels to finished floor levels through which to consider flood risk to occupants; and
- Assess the impact of climate change using appropriate higher central and upper end allowances, see: 'Flood risk assessments: climate change allowances'

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

Following the receipt of additional information

We are satisfied that our previous objection (as per our letter dated 14 December 2021) can be removed provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ('Sustainable Drainage & Flood Risk Assessment, Ref: 15945/03/HOP/SUDS, dated August 2021, by HOP Consulting Limited) and the following mitigation measures detailed within the FRA:

• Internal access to the upper storey of the blocks/buildings is to be maintained for the lifespan of the development, and all sleeping accommodation is to be located on the First Floor and above (section 5.5 of the FRA).

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

Reasons

To ensure the safety of the development and future occupants.

Following the receipt of this consultation response, it was advised to the Environment Agency that the condition could not be complied with due to one of the plots being a bungalow with sleeping accommodation on the ground floor. Further comments were therefore requested.

Further comments from the Environment Agency

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

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

Condition:

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

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

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

*As a result of this consultation response, the Council's **Safety and Resilience Manager** with the responsibility for Emergency Planning was asked to provide comments:*

With regards to the above Planning applications at Daniel Close and Gravelly Crescent in Lancing, I understand that the Environment Agency (EA) has raised concerns about the proposed ground floor sleeping accommodation designed for two of the new homes at Daniel Close and one of the new homes at Gravelly Crescent.

There is a multi-agency flood plan in effect for Adur District which details the emergency response arrangements. This runs parallel with the Emergency assistance centres plan which covers the evacuation of displaced persons.

In the event of flood defences failing and flooding occurring on these sites, the

emergency services would consider the need for evacuation and as a local authority we would support the response by providing and managing a place for displaced persons to be housed temporarily. The nearest location is Lancing Leisure centre.

To the South of these sites at Barfield Park there are rows of single storey bungalows and therefore I do not believe that the safety risks in this area will be greatly increased by the current proposals for Daniel Close and Gravelly Crescent.

On this basis I am comfortable with the proposals and have no objection to either of the Planning Applications on the grounds of public safety and flood risk.

Southern Water

The developer is currently in consultation with Southern Water with regards to the proposed sewer diversion (reference DSA000000285). The details of the diversion should be agreed and approved by Southern Water before implementing on site.

Representations

3 letters of objection have been received on the following grounds:

- no alternatives have been offered to existing storage in the garaging
- loss of privacy through overlooking
- loss of light
- increased parking pressure
- southernmost house is too close to the boundary
- refuse collection needs to be adequately catered for
- concern regarding dust to neighbouring properties during construction
- hours of works should be controlled

1 letter of comment has been received requesting that safe access to existing properties is maintained during the construction process.

Relevant Planning Policies and Guidance

Adur Local Plan 2017

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

Development Management Standard: Space Around Dwelling and Flats

National Planning Policy Framework

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

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

Principle of Development

Members will be aware that the Council is actively looking at redeveloping garage sites with similar applications, for example, at St Giles Close, Shoreham and Sylvan Road, Sompting already coming before the Committee for determination. Given that the garage sites such as this are within the built-up area as defined by the Local Plan and represent brownfield sites, they are the type of site which should be considered for redevelopment, especially considering the difficulty in meeting the housing needs of the District due to its physical constraints of being located between the National Park and the sea. In principle, therefore, it is not considered there is any objection to the proposed development.

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

The application site is not particularly prominent in the street scene as it can only be viewed through the vehicular access to the site from Gravelly Crescent. Within the site itself it is of little visual merit and its somewhat irregular plot added to the many blocks of separate garaging provides an unappealing layout with many narrow passageways between and behind the garaging some of which contained rubbish at the time of the officer site visit, as well as some further rubbish in the main courtyard itself. In pure visual terms, therefore, the redevelopment of the site would clearly improve the character of the area.

As with the other garage sites considered by the Committee, however, the application site is surrounded by existing housing, the rear elevations of which presently face towards the single storey garages. While this is a not particularly attractive view, the introduction of largely 2 storey dwellings will clearly greatly contrast from the existing situation as a result of the application proposal and therefore the impact upon existing properties needs to be carefully considered.

Guidance in respect of distances between buildings is primarily contained within the Development Control Standard relating to the provision of flats and dwellings. This

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

Taking the proposed western block first, the nearest residential properties to the west in Shadwells Road have reasonable rear gardens of about 14 metres in length. The rear gardens of the proposed properties in the western block will have gardens of between 10 and 11 metres in length and accordingly there is a distance of 25 metres between the properties which complies with the guidance and is therefore considered to be acceptable. Further residential properties are to the south of the proposed block and concern has been raised from one of the residents in this block as to the impact of the proposed development by way of an overbearing impact and overlooking. Taking the latter point first, there are no windows proposed in the facing elevation concerned, and this can be controlled by condition, therefore no overlooking would occur. As with the dwellings to the west, these dwellings (in Gravelly Crescent) also have reasonably sized rear gardens of around 15 metres in length. The length of the rear gardens therefore exceed the required 14 distance between the rear and side of two respective dwellings and given there is also a gap provided to the mutual boundary of 2 metres at its widest point to provide access to the rear of the proposed dwellings, the distance between the properties exceeds the Council standard and is considered acceptable.

The dwellings to the north sit at an angle to the proposed western block and therefore the relationship is not as direct between the side and rear of the buildings. At the rear corner point of the northernmost proposed dwelling in the block, there is a distance of just under 14 metres, but as the site tapers, this distance increases towards the front of the building, with a side garden serving the new dwelling providing an additional buffer. Again, it is considered the relationship is acceptable, therefore.

The eastern block is in a slightly more constrained location as the application site is narrower and the gardens serving existing properties in Shadwells Road to the north are shorter at 10 metres in length. As a result, therefore, it would not be possible to meet the 14 metre side to the rear distance with the proposed quantum of development if the northernmost dwelling on this block were a dwelling. It is therefore proposed that a bungalow is provided to the northern end of the block, where the relevant standard is 11 metres. Again, with the length of existing gardens plus the necessity to provide a gap to the mutual boundary, this standard is met. There are no windows proposed in the northern elevation of the bungalow, and its proposed hipped roof further reduces its impact upon the dwellings to the north and hence its impact is considered acceptable. Beyond the bungalow, there will be 2 further houses proposed but would far exceed the required standard of 14 metres between side and rear dwellings. Because of the angle of the application site and its relationship to the nearest dwellings to the east, there is a comfortable distance on this side with the middle dwelling of the 3 having a rear garden in excess of 17 metres in length. As the rear gardens serving the existing properties to the east are

in excess of 10 metres, the required overlooking distance is again met.

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

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

Loss of Parking and impact on highway safety

Concern has been raised regarding the loss of garaging and the consequent impact upon parking on the area. It has been consistently found during surveys of the garage site that few of them are used for parking due to their size being too small to accommodate modern cars. It would appear that there is some parking pressure in the area given the grass verges appear to be used for parking especially in the evening, albeit the area seems quite well served with laybys allowing parking on both sides of the road in certain locations and, as the required parking surveys found, there does appear to be some limited capacity on the street.

While on some of the other garage sites, it appeared evident that vehicles are parked within the garage compound, but not in the garages themselves, and therefore would be displaced onto the road were the development to take place, this appears less prevalent in respect of the current site where it appears more convenient for existing residents to park on the road.

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

Flood Risk and Drainage

The remaining issue therefore relates to flooding and drainage. Guidance provided within the National Planning Policy Framework (NPPF) stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 160).

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

over 3,100 dwellings.

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

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

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

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

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

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

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

The Environment Agency (EA) in response to the amended FRA did consider that any permission should include a restrictive condition preventing sleeping accommodation on the ground floor, which could not be complied with if the proposed bungalow was to remain part of the application. Further comments were therefore received from the EA who felt unable to recommend approval of the application unless the Council's own Emergency Planners raised no objection to the

scheme. As also outlined above, therefore, comments were sought from the Safety and Resilience Manager who confirmed that he raised no objection to the scheme.

Given his comments, therefore, it is not considered that permission should be withheld on the basis of the inclusion of a bungalow in the scheme. As noted above, the provision of a house on the plot proposed for the bungalow would fail to meet the Council's distance standards between respective 2 storey dwellings. The proposed bungalow also provides an opportunity to meet a specific housing need. Given there are few such opportunities in the District to provide such housing and the need to make the most efficient use of a site such as this, it is considered that with the comments of the Safety & Resilience Manager, the bungalow's retention within the scheme can be supported.

Conclusion

The proposed development will provide much needed housing in a brownfield, sustainable location on a site that is under-utilised and contributes little to the visual character of the area. The site is sufficiently large to ensure the relevant overlooking and overshadowing distance can be met and conditions can be imposed, as required by the government, to mitigate any adverse impacts of the proposal. The application is therefore considered to be acceptable.

Recommendation

GRANT permission subject to the conditions set out below:-

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

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

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

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

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

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

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

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

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

7. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
8. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
9. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

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

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

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

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

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

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

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

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

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

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

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

Reason: To ensure adequate landscaping is provided

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

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

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

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

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

Reason: In the interests of the amenities of neighbouring properties

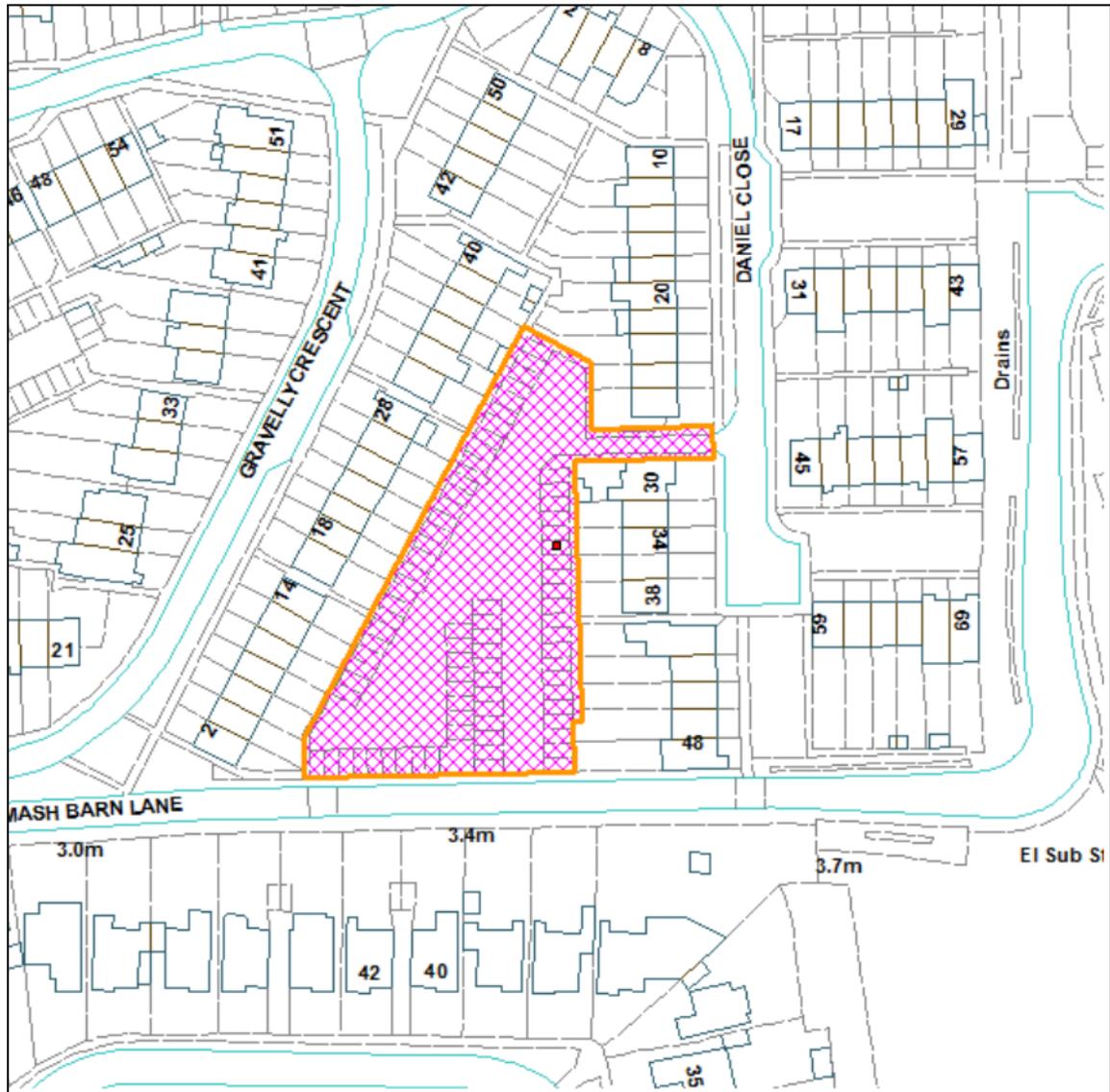
16. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Informative

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage

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

Application Number:	AWDM/0827/22	Recommendation - APPROVE
Site:	Garage Block 88 To 97 Daniel Close, Lancing	
Proposal:	Demolition of existing garages; erection of 9no. dwellings and associated works	
Applicant:	Mr J Lock, Adur District Council	Ward:Mash Barn
Agent:	Neal Thompson, Robinson Escott Planning	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission to demolish existing garages and replace them with 9 dwellings laid out in two rows of terrace blocks on an east-west orientation. The mix comprises 7 x 2 bed 4 person houses and 2 x 3 bed 5 person houses with disabled access on the ground floor with a single storey element to the western end of each block. The 2 bed units would have a floorspace of 81 square metres, while the 3 bed units would have a floorspace of 127 square metres.

The proposal utilises the existing access into the site from Daniel Close and a new parking area will be created in the northern parcel of the site with 9 parking spaces including 1 disabled access space. A further parking area would be provided to the southern part of the site facing Mash Barn Lane providing a further 11 parking spaces, including 1 disabled space. Garden sheds are proposed to provide storage for 2 bikes per household.

The materials proposed include Grey roof tiles and varied multistock red brick. The entrance canopies in front of each property will provide a concealed refuse area for each property.

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

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

Relevant Planning History

None relevant to the determination of the application.

Consultations

Lancing Parish Council

No comment

West Sussex County Council

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above full planning application with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Note (TN) prepared by Evoke.

Background and Site Context

The application site is an existing garage court comprising 77 nos. car parking spaces, including areas of hardstanding used for informal parking of vehicles. The development proposals are for the demolition of these garages and construction of 9 nos. residential dwellings (2 x 3-bed houses and 7 x 2-bed houses) with associated parking and landscaping.

The proposal forms part of several small sites, mostly garage blocks, across Adur District which have been identified for redevelopment. A pre-application consultation held with WSCC in 2020 raised no issues with the loss of garages in the manner proposed, provided that the various assessment activities proposed within the Scoping Note were carried out and the parking stress should not increase noticeably on the roads surrounding the site.

Access and Visibility

The application site gains access from Daniel Close using a bellmouth simple priority access arrangement. The access road is approx. 3 metre wide with footways along both sides of the road.

This access will be retained to access the northern car park area and to gain access into the 3 nos. dwellings to the north of the site. Daniel Close is a residential road subject to 30mph speed limit.

The remaining 6 nos. dwellings will be accessed directly from Mash Barn Lane by demolishing the existing wall to the south of the site.

In accordance with Manual for Streets (MfS) guidance, visibility splay of 2.4m x 43m is achievable along the northern side of Daniel Close and approx. 30m to the end of the carriageway to the south of the site access. The vehicle speeds are considered to be significantly below the posted speed limit of 30mph given the cul-de-sac nature of Daniel Close.

Personal Injury Accident (PIA) Data

WSCC's online record for road collisions has been interrogated for the last 5 years which reveals there has been no incident of personal injury accident near to the junction of site access with Daniel Close. This indicates the site access has been operating in a safe manner.

Parking Arrangements

In accordance with the standards set out in WSCC's Guidance on Parking at New Developments (September 2020), a total of 11 parking spaces are required for the development. In excess of this requirement, provision for a total of 20 nos. parking spaces, including 2 nos. disabled bays is made within two car parks. The 3 nos. houses to the north of the site are provided with 9 nos. car park spaces within a communal car park accessed from Daniel Close. The 6 nos. houses to the south of the site are provided with 11 nos. car park spaces to the south of the site, accessed

from Mash Barn Lane.

Safe and secure cycle parking provision of 2 nos. for each dwelling is made within the garden shed of each dwelling. Rear access to each cycle shed is provided to ensure residents do not need to carry the bike through their property.

Parking Survey

An independent parking survey was commissioned to understand the parking stress on the local highway network when the existing 77 garages are replaced with the proposed residential development. WSCC's Parking Capacity Survey methodology was used in carrying out the survey.

The analysis shows a parking stress of 106% on the first day of the survey and 110% on second day of the survey along Daniel Close. It is anticipated that the provision of the excess car parking spaces would be able to assist in the accommodation of the vehicles that could be displaced because of the removal of garages.

Internal Arrangements / Refuse Collection

In accordance with Adur's Space Standards SPD, each dwelling would be provided with a bin storage area to accommodate 2 x 240 litre wheelie bins. In line with the existing arrangements for the neighbouring properties, on the collection day, the bins will be collected from the kerbside, or the refuse vehicle will be reversed onto the refuse collection point.

Swept path analysis carried out using a West Sussex refuse vehicle demonstrates the vehicle can reverse onto the access road, near to the refuse collection point and exit in a safe manner.

Trip Generation and Highway Capacity

TRICS database has been interrogated to calculate the estimated number of trips generated by the proposed residential development. For robust assessment the number of trips generated by the existing uses is not considered. Table 7 within the Transport Note shows the development is likely to generate total two-way movements of 12 in the AM peak hour, 10 in the PM peak hour and 92 during the total daily. Given that the garage court is in use with 77 existing car parking spaces, the proposed trip from the residential development is not considered to cause a detrimental impact on the operation of the local highway network.

Sustainability

The development site is located within a residential area where there are footways and good street lighting system conducive to walking and cycling. Many facilities and local services are within walking distances. Bus stops are located within 300m distance from the site, along Shadwells Road.

These stops provide services to Lancing train station, Shoreham-by-Sea, Worthing, Brighton City airport etc. Lancing train station is located within 1.5 km from the site

which provides connections to Portsmouth, London Victoria, Southampton etc. The site is in a sustainable location.

Conclusion

The Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

West Sussex Fire and Rescue

Having viewed the plans for the planning application no. AWDM/0827/22 for the demolition of existing garages; erection of 9no. dwellings and associated works, evidence is required to show that all points inside all dwellings are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

Southern Water

The developer is currently in consultation with Southern Water with regards to sewer diversion agreement under reference DS_DOS-122073-DSA000000283. The public sewer diversion proposals must be agreed and approved by Southern Water before commencement of works on site.

The submitted drainage layout (15945-HOP-02-XX-DR-C-09100 Rev P9) indicates permeable paving proposed over the public foul sewer, which would not be acceptable to Southern Water.

Please note: No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.

The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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.

Environmental Health

No adverse comments

Technical Services - initial comments

Thank you for the opportunity to comment upon this application. We have the following comments on flood risk and surface water drainage.

Flood risk- The application is within flood zone 3, and has areas at risk from surface water flooding. The Environment Agency should be consulted. The sequential test is incorrect as the development is not included within the Local Plan. An updated sequential and exception test should be completed considering all sources of flood risk.

Surface water drainage- the application includes a surface water drainage strategy. We have on email further calculations and a later layout (Revision P10) than that which is on the planning portal, all latest information should be on the planning portal. The below comments are based upon the latest information which we have been supplied via email:

1. Southern Water have confirmed that infiltrating permeable paving must not be located over their sewers, therefore proposals will require revising. It is unclear if with the information provided it will be possible to make these changes and still adequately drain the proposed development.
2. It has not been confirmed if the proposed drainage will result in greater transmission of existing pollutants. This will require addressing at discharge of conditions stage.
3. Catchment area plans have not been provided as previously requested, so it has not been possible to fully review proposals.
4. An ineffective storage depth should be provided within soakaway calculations.
5. A 45% climate change allowance should be applied to calculations to meet current requirements.
6. As previously requested, please supply calculation results for the 1 in 10 year plus cc event to demonstrate that incoming invert level is above this modelled water level. This is a policy requirement.
7. An incorrect infiltration rate has been applied to permeable paving, this needs to be corrected.
8. Incorrect values of winter cv have been applied to calculations, this needs to be corrected in both sets of calculations.

As per policy, infiltration should be used at this site as it has been demonstrated by on site winter monitoring and testing that it is viable. We wish to place an OBJECTION, AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further/ revised information is required prior to determination as it is not clear that policy compliant drainage can be secured via conditions. In order to overcome our objection please can the applicant submit a revised surface water drainage strategy which addresses the above seven points.

Technical Services - further comments following first submission of additional information

Thank you for re-consulting us, we have the following further comments.

1. Infiltrating permeable paving is still proposed over a public sewer. Southern Water have confirmed in comments on this application that this is not acceptable. Please

either present evidence that Southern Water accepts these proposals or alter the proposals.

2. Calculations have been supplied with a 45% climate change allowance applied to the northern area. This 45% climate change allowance has not been applied to the permeable paving calculations, please supply updated calculations.

3. Calculation results for the 1 in 10 year plus 45% cc event have now been provided, however they show that the proposals are not policy compliant as incoming invert levels to infiltrating features are below this water level.

4. Calculations for the permeable paving have not applied correct values of Cv.

We wish to maintain our OBJECTION at this time. AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further/ revised information is required prior to determination as it is not clear that policy compliant drainage can be secured via conditions. In order to overcome our objection please can the applicant submit a revised surface water drainage strategy which addresses the above four points.

Technical Services - further comments following second set of additional information

Confirm that following the additional information submitted by the applicant's drainage consultant there is no longer an objection to the proposals.

Environment Agency - initial comment

Thank you for consulting the Environment Agency on the above application. In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the Planning Practice Guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to consider how people will be kept safe from the identified flood hazards in an undefended tidal event. Although the site benefits from a recently completed scheme there are still residual risks and, given the assumed 100 year lifetime of a residential development, we would expect an application to show how these undefended risks are mitigated for the lifetime of the development including the impacts of climate change.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection.

Environment Agency - further comment

Thank you for consulting the Environment Agency on the above application following

the submission of a revised Flood Risk Assessment (dated 10/08/2022, v1.8, Ref: 15945/02/HOP/SUDS).

We have reviewed the information as submitted and set out our position and comments below.

We are satisfied that our previous objection to the proposal can be removed (as per our letter dated 29 July 2022), provided that a condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Safety and Resilience Manager

With regards to the above Planning applications at Daniel Close and Gravelly Crescent in Lancing, I understand that the Environment Agency (EA) has raised concerns about the proposed ground floor sleeping accommodation designed for two of the new homes at Daniel Close and one of the new homes at Gravelly Crescent.

There is a multi-agency flood plan in effect for Adur District which details the emergency response arrangements. This runs parallel with the Emergency assistance centres plan which covers the evacuation of displaced persons.

In the event of flood defences failing and flooding occurring on these sites, the emergency services would consider the need for evacuation and as a local authority we would support the response by providing and managing a place for displaced persons to be housed temporarily. The nearest location is Lancing Leisure centre.

To the South of these sites at Barfield Park there are rows of single storey bungalows and therefore I do not believe that the safety risks in this area will be greatly increased by the current proposals for Daniel Close and Gravelly Crescent.

On this basis I am comfortable with the proposals and have no objection to either of the Planning Applications on the grounds of public safety and flood risk.

Representations

1 letter of objection has been received on the following grounds:

We would like to object to the planning application as we are very concerned that we will be subject to loss of privacy. From the proposed site plan we can see that from the angle of the north site houses, our rear garden will be overlooked by the upstairs windows of the properties and in particular directly overlooked by property number 9. We did raise this with the council and were told that an answer would be sought from the architect which we have not received. In addition to this we are very concerned that we will have a parking space directly behind our rear fence which is currently a garage which gives a slight buffer to sound and protection from moving vehicles. The proposed parking spaces would produce an increase of movement of vehicles and their related output- sound and pollution.

We are also very concerned regarding the production of dust/dirt/debris during the demolition of the garage blocks and the consequent building of the new

development, the garage directly behind our rear fence is less than a metre from it. We use our rear garden daily and do not wish for this to be impeded by your proposal.

Relevant Planning Policies and Guidance

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

Development Management Standard: Space Around Dwelling and Flats

National Planning Policy Framework (2021).

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

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

Principle of Development

As is the case with the application at nearby Gravelly Crescent that appears elsewhere on the agenda the Council is actively looking at redeveloping garage sites with other similar applications already coming before the Committee for determination. In the assessment of each application, it remains as a matter of principle, that as garage sites such as this are within the built-up area as defined by the Local Plan and therefore represent brownfield sites, they are the type of site which should be considered for redevelopment, especially considering the difficulty in meeting the housing needs of the District due to its physical constraints of being located between the National Park and the sea. In principle, therefore, it is not considered there is any objection to the proposed development.

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

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

Within the site itself, like the other garage sites in the area, it has little visual merit. The triangular nature of the site results in long unbroken blocks of garaging, most of which have clearly aged and appear somewhat rundown. At the time of the site visit, some fly tipping appeared to have taken place and added to the vast expanses of tarmac, it is considered that internally, the redevelopment of the site would clearly improve the character of the area.

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

Guidance in respect of distances between buildings is primarily contained within the Development Control Standard relating to the provision of flats and dwellings. This requires that usually a distance of 22m is the minimum required between facing principal windows in order to retain sufficient privacy.

Because of the orientation of the site, there is no face to face relationship between the proposed and existing dwellings. The existing dwellings in Gravelly Crescent face south east across the site, while those in Daniel Close face due west. The orientation of the proposed dwellings, however is north-south and accordingly any overlooking would be at a more oblique angle

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

Beginning with the distances to the site boundaries, the new dwellings are set between 3 and 5 metres away from the boundaries for access requirements and therefore comfortably exceed the relevant standards.

The southern block of dwellings is 22 metres from the rear elevations of the properties in Daniel Close at the nearest point and 14 metres from the nearest

dwelling in Gravelly Crescent, with this part of the block comprising a single storey building. As this is the widest part of the site it is felt that there is comfortable scope to provide the proposed dwellings without an adverse impact upon the adjoining properties.

The site is more constrained to the north as the site narrows and accordingly 3 dwellings are proposed in the northern block, compared to the 6 units in the southern block. As with the southern block, the closer proximity of properties in Gravelly Crescent means that a single storey element is provided to the western end of the proposed dwellings and this would be in excess of 12 metres from the nearest existing dwelling and accordingly it is again considered that the relationship between the respective buildings is considered to be acceptable.

The eastern end of the northern block is given as 13.34 metres away from the nearest dwelling to the east in Daniel Close and therefore is slightly below the Council's standard. It is noted that the roof of the nearest unit is hipped away from existing dwellings and there is a gap of 5 metres to the boundary of the application site and accordingly the dwelling is some distance away from the end of the garden of the nearest property. Because of this, it is considered reasonable to allow a slight exception to the guidance, given that the breach is 0.66 of a metre.

Accordingly, it is not considered there would be an adverse impact upon existing neighbouring properties sufficient to warrant a refusal of the application, especially given the wider strategic need to provide new housing.

Loss of Parking and impact on highway safety

Unlike other applications, representations have not been raised regarding the loss of garaging and the consequent impact upon parking on the area. The parking pressures identified in the Gravelly Crescent application are relevant to this application as well, as it would appear that there is some parking pressure in the area. Again, there does appear to be some limited capacity on the street.

As with the Gravelly Crescent application, few cars appear to be parked within the garage compound itself, and accordingly there would not appear to be a likelihood of significant displacement to the road.

The proposed development would be served by 20 spaces which is considered adequate for the development and having regard to the guidance of the National Planning Policy Framework that development should only be resisted on highways grounds when the impact is severe, it is not considered that a refusal could be justified in this instance on such grounds.

Flood Risk and Drainage

The remaining issue therefore relates to flooding and drainage. As with the Gravelly Crescent application, the initial information submitted by the applicant was not considered to meet the requirements of the National Planning Policy Framework (NPPF), nor was it felt that the required information could be secured by condition.

The NPPF stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 160). As Members are aware the Local Plan undertook a sequential, risk based approach to the location of development which took in all sources of flood risk. However, in view of the extent of housing need and the scarcity of land the Local Plan still had to allocate land at flood risk (New Monks Farm and Western Harbour Arm). The lack of land within the District meant that there were no sequentially preferable sites that could be allocated instead of these sites and the Plan still resulted in a shortfall of over 3,100 dwellings.

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

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

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

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

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

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

In terms of the exception test, as amended, the submitted Flood Risk Assessment (FRA) demonstrates compliance with the second part of the test and no objections have been raised by our Engineers and the Environment Agency. Regarding the benefits to the wider community, it is clear that the provision of affordable housing

and in particular rented dwellings which will reduce the Councils housing waiting list, is of a significant benefit given the considerable housing need that exists within the District.

The issues relating to the ground floor accommodation remain relevant to this application although unlike the Gravelly Crescent proposal, there are no bungalows in this application, but the 'wheelchair houses' would contain sleeping accommodation on the ground floor. Accordingly, it was necessary to also secure the comments of the Safety and Resilience Manager who raises no objection to the applications.

Conclusion

This application provides a clear opportunity to improve the visual appearance of the area, especially when viewed from Mash Barn Lane, as well as providing much needed affordable housing on a relatively large and under used site. Accordingly, it is considered that the application is acceptable.

Recommendation

Approve

Subject to conditions:-

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

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

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

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

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

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

6. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority

showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

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

7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (dated 10/08/2022, v1.8, Ref: 15945/02/HOP/SUDS) and the following mitigation measures it details:
 - Finished floor levels have not been confirmed within the submitted FRA, however the first floor levels must be set no lower than 5.7 metres above Ordnance Datum (AOD) to allow safe refuge above design flood levels.

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

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

8. Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
9. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

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

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

Reason: To ensure adequate landscaping is provided

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

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

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

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

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

Reason: In the interests of the amenities of neighbouring properties

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

Informatives

- 01 Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 02 Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE DG365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Further detail regarding our requirements are available on the following webpage:

<https://www.adur-worthing.gov.uk/planning/applications/submit-fees-forms>.

A surface water drainage checklist is available on this webpage. This clearly sets out our requirements for avoiding pre-commencement conditions, or to discharge conditions"

5 December 2022

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.