



ADUR DISTRICT  
C O U N C I L

Planning Committee  
6 February 2023

Agenda Item 6

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/1856/21** Recommendation – Approve

Site: **Lorry And Car Park, Albion Street, Southwick**

Proposal: **Erection of self-storage warehouse (Use Class B8) with associated parking, circulation and landscaping.**

2

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

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

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

3

Application Number: **AWDM/2294/21** Recommendation – Approve and Delegate to the Head of Development to issue decision upon the expiry of the consultation period on 7 February and there being no new substantive comments not previously considered by the Committee

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**

**4**

**Application Number: AWDM/1032/22      Recommendation – Approve**

**Site:            Monks Farm Presbytery, 127 North Road, Lancing**

**Proposal: Change of use of former Presbytery to six flats with 6no. parking spaces**

**Application Number: AWDM/1033/22      Recommendation – Grant Consent**

**Site:            Monks Farm Presbytery, 127 North Road, Lancing**

**Proposal: Listed Building Consent for internal and external alterations involving removal and insertion of internal walls and doors, new windows and external doors, and demolition of non historic rear extension in connection with change of use of former Presbytery to six flats with 6no. parking spaces**

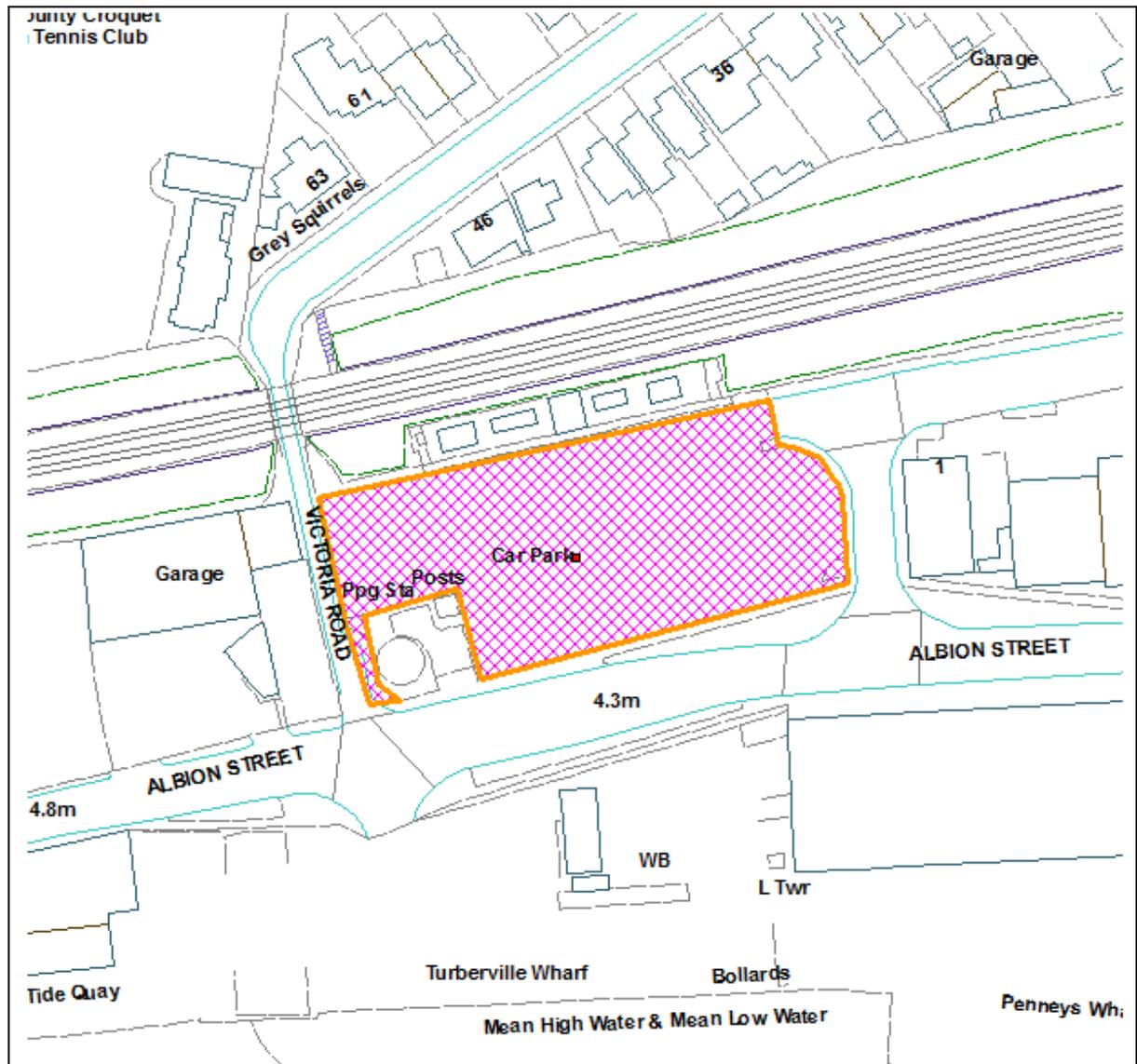
**5**

**Application Number: AWDM/1398/22      Recommendation – Approve**

**Site:            The Barn Caravan Park, Old Salts Farm Road, Lancing, West Sussex, BN15 8JG**

**Proposal: Replacement of permanent mobile home approved under planning permission AWDM/1170/15 with a permanent chalet bungalow of brick and flint walls and a slate roof. Alteration in the limit of time that the residential use can exist from 1st March to 31st October as existing under PP AWDM/1170/15, to all year round. Installation of 5 bird boxes along the south-west boundary.**

<b>Application Number:</b>	<b>AWDM/1856/21</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>Lorry And Car Park, Albion Street, Southwick</b>	
<b>Proposal:</b>	<b>Erection of self-storage warehouse (Use Class B8) with associated parking, circulation and landscaping.</b>	
<b>Applicant:</b>	Safestore Properties Ltd	Ward: Southwick Green
<b>Agent:</b>	Vincent and Gorbing	
<b>Case Officer:</b>	Peter Barnett	



**Not to Scale**

## Proposal, Site and Surroundings

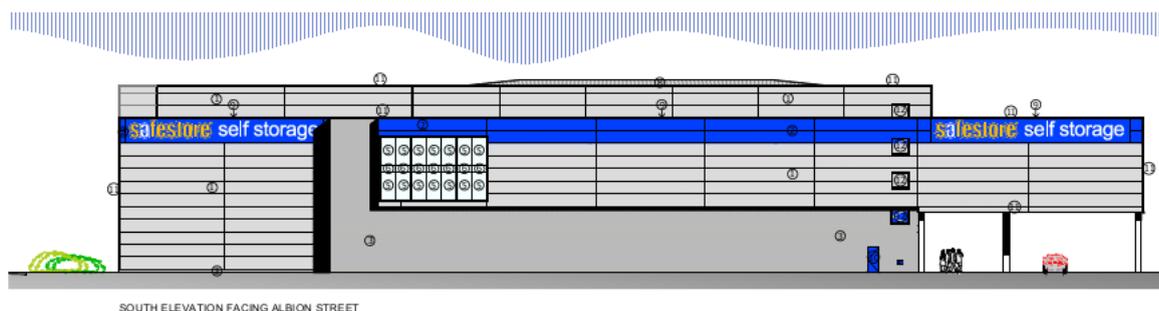
The application relates to an open area of land on the north side of the A259 (Albion Street), immediately to the east of Victoria Road and to the west of The Grange Industrial Estate. The railway line embankment lies to the north. There is a Southern Water pumping station in the south west corner of the site. The South East corner of the Kingston Buci Conservation Area is located to the north of the railway line.

The site is vacant but was previously used as a lorry park, owned and managed by West Sussex County Council. The County Council still owns the land but the applicant has a conditional purchase agreement subject to receiving planning permission for their proposal.

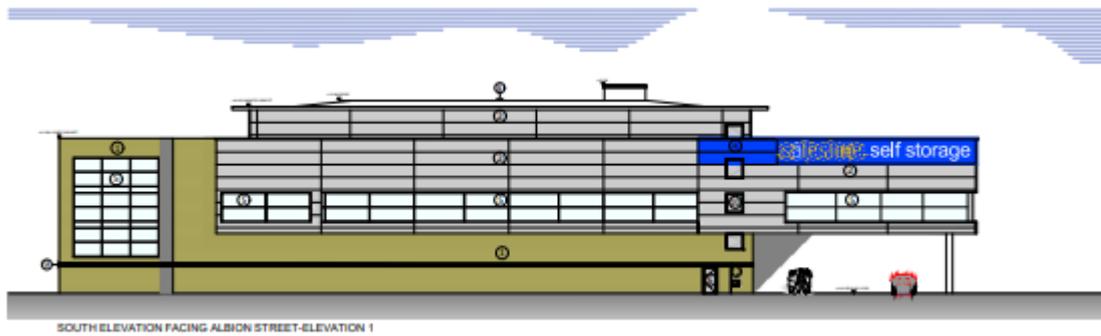
The application seeks permission to construct a self storage building (Use Class B8) with a total floor area of 1676m<sup>2</sup>, predominantly consisting of ground floor storage with a small area of storage on the upper floor at the eastern end. Mezzanine floors are proposed to be installed in the future for additional storage purposes, taking the floor area up to 4,741sqm. However this does not form part of the current planning application and would not require planning permission in the future, should Safestore subsequently wish to insert any mezzanine floorspace.

The application was originally submitted back in October 2021 but the proposed building has undergone several design changes since then in order to improve its design, scale, form, layout and appearance.

As amended, the building has been moved further from the railway embankment and stepped back further from Victoria Road which allows for more landscaping and improvements to the public realm. The bulk of the building on the top floor has been reduced and elevational improvements have been made through the use of glazing and brickwork. Corporate banding has also been significantly reduced.



Original proposal



### Amended proposal

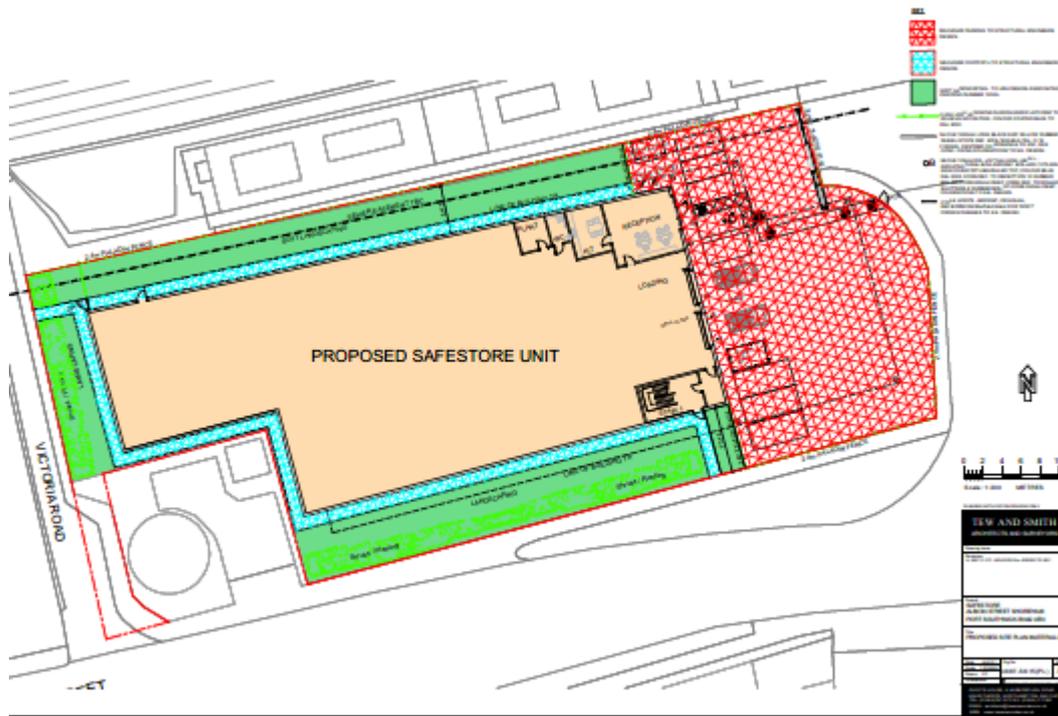
The site will be accessed from the east where the parking and servicing area will be located. The building is pulled back from the road frontage due to a sewer easement. As a result, a landscaping strip is shown to be provided in front of the building. The parking area will accommodate 8 parking spaces and will be large enough to facilitate a turning circle for a 7.5 tonne lorry. A sliding gate will be provided to secure the yard area.

The servicing area will sit under a two storey overhang at the eastern end of the building, containing two direct access loading bays. An overhang is also provided on the southern elevation.

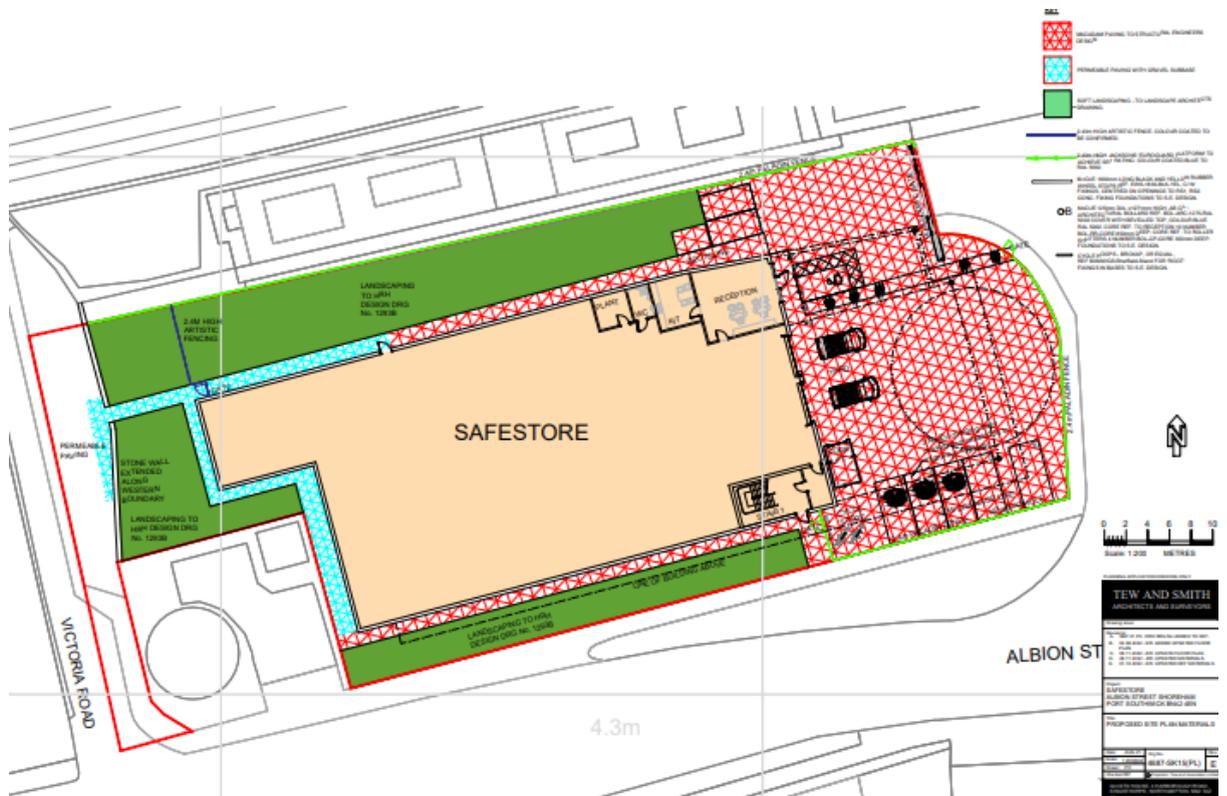
The building will be 14.8m high to the parapet and 15.3m high to the top of the shallow pitched roof area in the centre of the building. It has a length of 72.5m overall at the rear with a frontage length of 63m. It will be 26.7m wide.

It will be finished in a mix of yellow facing brick and horizontal insulated wall panels in metallic silver. The amount of brickwork has been increased, particularly at the western end facing Victoria Road.





Original Site Plan



Amended Site Plan

It is proposed to be staffed from 8am – 6pm on Monday, Tuesday, Wednesday, Friday and Saturday, 8am – 8pm on Thursdays and 10am – 4pm on Sundays. However, 24 hour access is proposed for key holding customers that pay a premium. The application explains that “It is fundamental to Safestore’s business to allow 24/7 operation as a small number of business customers will always require access out of the hours that the reception is open.” Staffing levels are low, with only 3 full time equivalent anticipated.

The application is supported by Planning Statement, Design & Access Statement, Transport Statement, Flood Risk and Suds Assessment, Sequential Test, Daylight & Sunlight Report, Energy Efficiency and Sustainable Development Report, BREEAM pre-assessment, Contaminated land report and Verified Views

### **Relevant Planning History**

None

### **Consultations**

**West Sussex County Council:** No objection from a transport/highways aspect subject to conditions requiring cycle parking, vehicle turning, travel plan and CMP and a section 106 Obligation requiring £3,509 to mitigate the impacts of the development in terms of demand on Highways and Sustainable Transport that would arise.

Comments that the proposal for 1,979 sqm of self-storage units when compared with the previous use would equate to a reduction in vehicle trips in the peak hours and a significant reduction in HGV movements. Even if the site added mezzanine floors at a later date to increase the floor area to 7,774sqm, this would equate to a very minimal net trip rate increase on the highway network and through the junction. Therefore, the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

**Local Lead Flood Authority:** We support the increase in permeable paved area. The applicant should be reminded that wholesale land raising is not allowed in accordance with the West Sussex LLFA Policy for the Management of Surface Water.

**Adur & Worthing Councils:** The **Environmental Health** officer notes the proposed operational hours of 8am – 6pm on Monday, Tuesday, Wednesday, Friday and Saturday, 8am – 8pm on Thursdays and 10am – 4pm on Sunday but key holding customers will be permitted to access their self storage units by swipe card access on a 24/7 basis. What activities will be associated with this 24/7 operation? Will this involve the use of any equipment which could cause noise disturbance?

With reference to contaminated land, a Preliminary Risk Assessment & GeoEnvironmental Assessment (ref. 20-1663.01 dated July 2021) has been submitted with this planning application. Section 10.3 recommends supplementary investigation work but it is not clear what work this will involve. Please could this be clarified? The report provides some remedial options including the provision of a cover system in landscaped areas, this would be an acceptable option. The applicant should note that only certified clean material should be imported to site and we would require post placement testing of imported soil. The Site has been classified as CS2 based upon the results of four rounds of monitoring undertaken at the Site and suggests ground gas protection measures. Further details of the mitigation 2 measures should be provided within the Remedial Strategy.

With reference to Air Quality, an Emission Mitigation Assessment has been provided within the report (ref. RE00073 – Rep 1 dated Sep 2021). This provides the total emission cost calculation for both NOx and PM2.5 as £2,906. The assessment provides some information on how this money will be spent, but we require a detailed breakdown of the costs of the proposed mitigation. A further emissions cost calculation has been undertaken for the proposed development, including the potential for future development of mezzanine floors, which would increase the total floorspace to 7,774.7sq.m. This increases the total emission cost to £ 11,524. I would recommend the addition of a condition requiring the 2nd emissions mitigation cost to any future additions.

The applicant should note that asbestos contamination has been identified within the soil at this site, so the control of dust during any groundworks requires specialist consideration.

Recommends conditions relating to contamination and construction management

**Public Health subsequent comments following receipt of further information:**

No concerns about the use or the 24 hour access for unit holders given the location.

Recommend a condition for the remedial strategy. The applicant has already completed the early stages of the full contaminated land condition so perhaps the wording should be that of the final stage of this condition which covers the remediation strategy and final validation report.

The latest Geo-environmental report does allude to a hot spot protocol should be in place in case construction workers come across any previously unidentified contamination during construction, so this would trigger the precautionary condition previously recommended. So please add this condition. Again anything that is found can be added to the remediation strategy and the final validation report.

The AQ Emissions Mitigation Assessment is acceptable.

The **Engineer** has no objection following receipt of further details about surface water drainage.

The **Trees and Landscape** Officer considers that the landscaping scheme is lacking some specimen trees that could be planted amongst the shrubs etc to the West and

South of the building.

**Environment Agency:** No objection subject to conditions requiring the development to be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures specified within it.

**Southern Water:** The public sewer diversion proposals have to be agreed and approved by Southern Water before commencement of works on site.

The level of contamination on site should be investigated, as this may affect the materials used for the public water mains to service the development. Details of any contamination found on site should be declared to the statutory water undertaker, as part of a water connection application, as this will influence the materials used for construction of public water mains on the site.

Recommend conditions to protect public sewer and require drainage details

**Network Rail:** Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing

## **Representations**

### **Original Plans:**

32 objections received:

- Height and design is out of scale and character with buildings in the area
- Houses at the south end of Victoria Road will be adversely affected by loss of light.
- Will dwarf the Victorian railway bridge
- Impact on Conservation Area
- Height should be reduced to be level with top of railway embankment
- Colour and design is inappropriate
- Not best use of the site
- The construction of such a large building will create road safety problems at the junction of Victoria Road and Albion Street.
- No justification for building yet another self storage warehouse as there are others nearby
- Increased noise due to 24 hour use
- Increased congestion and pollution
- Trees and passing trains will not block views of the building
- No view from Victoria Road provided in the supporting documents
- The building is too high and it will have a detrimental impact on the area.
- It is significantly higher than all other commercial buildings along the same road.
- The Dudmans warehouse opposite the site is shown as significantly smaller yet this is easily visible from my home on the south side of Victoria Road.
- The application compares the height of the storage unit to a newly built residential building on the same road (7-9 Albion Street), yet the crucial point is

that this building does not have residential housing behind it, nor does it have the same footprint or scale in terms of building design.

- Street scene does not show the height of neighbouring commercial units Toolstation, Coppards, Southover Foods etc, all of which are of a uniform and significantly lower height, and would demonstrate how out of keeping the height of this proposed unit is. (This comparison is partially shown on page 10 and Appendix one of the Daylight and Sunlight report, whereby the SafeStore unit dwarfs neighbouring Coppards).
- The Daylight and sunlight report does not include an accurate assessment of Number 46 Victoria Road. This is no longer a one storey residential property but is a 2 storey dwelling and therefore the impact on daylight and sunlight has not been properly considered.
- A building of this size and scale will have an adverse impact on the entrance to Victoria Road. The road is narrow and partly enclosed by a railway bridge at one end.
- There is no drawing showing how this section of Victoria Road will be affected and this has not been considered in any plans.
- The proposed height and colour of the perimeter fencing are an eyesore of limited or no architectural merit.
- The proposed materials for the building are not in keeping with the railway bridge and nearby conservation area and are of low or no architectural merit.
- Possible light pollution through lighting to the building perimeter, lit signage and lighting to the site more generally.
- Risk to privacy and quiet enjoyment of the residences with the use of CCTV
- Increased traffic and noise, including use of trolleys to move goods across hard surfaces.
- Loss of lorry park - there is a lack of such facilities along the south coast

### **First Set Of Amended Plans**

15 letters of objection received raising similar objections as before.

Changes are considered to be minimal and do not alter fundamental objections

### **Second Set Of Amended Plans**

23 letters of objection received from addresses in Victoria Road:

- The height would be overbearing on the outlook from neighbouring gardens
- Will be visible above railway embankment when viewed from Victoria Road
- Should not exceed height of embankment
- Loss of light
- Dominant warehouse-type building, out of character in scale and appearance with other developments in the area
- Not a high quality development and will not improve townscape, therefore contrary to aims of JAAP
- Will dominate Victoria Road and railway bridge
- Not an effective use of land
- Low employment opportunities arising from this development
- Many other storage facilities in the vicinity and also some still to be built nearby.

- Social housing up to two storeys high and with good parking facilities and improved amenities e.g. GP surgery, dentist etc near-by would be the best possible use for this land and ease some of the pressures on the local community regarding housing.
- Discrepancy in levels shown on plans

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

Adur Local Plan 2017 Policies 1, 2, 4, 8, 12, 15, 18, 19, 28, 30, 34, 35, 36

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

Shoreham Harbour Joint Area Action Plan 2019 CA6, SH1, SH3, SH5, SH7, SH9

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

National Planning Policy Framework (July 2021)

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

### **Planning Assessment**

#### ***Principle***

The site lies within the Shoreham Harbour Regeneration Area (SHRA) and is specifically within Harbour Mouth Character Area (CA6). The JAAP explains that alternative uses for the site, including relocation of businesses from elsewhere in the regeneration area, will be explored.

Policy 8 of the Adur Local Plan states that a minimum of 16,000sqm of employment generating uses will be delivered within the wider SHRA over the plan period.

This is also a requirement of Policy SH3 of the JAAP.

The site was not previously in an employment use and is not allocated for a particular use. While the proposal does not relocate another business from elsewhere in the regeneration area, it is nevertheless considered that the provision of a commercial storage facility (Class B8) would be compatible with Development Plan policies.

### **Economic Contribution**

The application advises that the majority of Safestore's storage space is occupied by small business customers such as market traders, ebay traders, mobile

salespeople, entrepreneurs, new businesses and archive storage for existing business. They perform an important function in helping small businesses to grow. Whilst direct on-site employment is stated as being 3 FTE employees, the indirect employment that will be supported by the Safestore facility is expected to be around 100 people. Most customers will be located in close proximity to the store.

Other storage facilities do exist locally, including in Eastern Avenue/Gordon Road, and a recent approval within the Western Harbour Arm. There is clearly a demand for such facilities which provide a valuable resource for small businesses, as is demonstrated in the Economic Statement submitted with the application. The presence of other storage facilities close by is not a valid reason to refuse this proposal therefore.

### ***Visual amenity, scale and character***

The site is in a prominent location on the A259 and is visible from the railway line. The current site is an empty former lorry park which adds little to the streetscape. There is large, unsightly generator equipment adjacent to the railway embankment which further detracts from the area. There are industrial buildings to the east and south and a car sales garage on the other side of Victoria Road to the west. Beyond that is a 4-6 storey block of flats currently under construction on behalf of Adur Council.

It is within this context that the proposed storage building will sit. The first iteration of the design proposed a largely clad warehouse-type building which was considered to be too large and tall and which would have had a dominant impact in views, particularly from within that part of Victoria Road south of the railway bridge where the road narrows.

The applicants were asked to reduce the height and footprint of the building and to incorporate design changes to include more brickwork and glazing, a reduction in the use of corporate blue banding, a gradation of the grey colour panels towards the top of the building at the rear and the introduction of more architectural features such as a black plinth.

The footprint of the building was reduced with it being pulled further away from Victoria Road and from the railway embankment. The massing at the top of the building was also reduced by removing the top section of the building at the western end. The western elevation is now entirely brickwork and glazing, in an attempt to present a softer elevation to Victoria Road, with a large 'ghost window' feature adding further interest and helping to break up the expanse of wall.

The boundary treatment to Victoria Road has also been enhanced with a new wall constructed to join up with the brick buttress of the Victorian railway bridge, the removal of the existing unsightly metal fence, the widening of the pavement at that point and new planting/landscaping. The building 'doglegs' at its western end so that only a 8.8m wide elevation will be within 15m of the road, with the rest of the building a further 9m back. The top part of the building is also set back from the western end by 15m.

Other improvements to the public realm include new landscaping on the site frontage (in addition to that on the west side of the site and at the rear of the building). Final details can be reserved by condition to secure additional tree planting to the south and west of the building as requested by the Trees and Landscape Officer. New security fencing is proposed consisting of 2.4m high paladin mesh fencing at the rear and by the entrance on the east side of the site, and in front of the car parking in the south east corner only, but not across the whole frontage. In the NW corner, between the embankment and the edge of the building facing Victoria Road a 2.4m high fence is proposed which will contain some form of public art feature to add further interest to this area.

It is considered that the design improvements and overall changes to the scale and siting of the building have resulted in a more acceptable form of development. Objections have been received to its design being out of character and not enhancing the streetscape. However, the building will be directly west of a group of industrial buildings and there is a tall metal warehouse building opposite. In terms of scale the building to the south is 12.2m tall to the ridge while the proposed storage facility will be 14.8m to the parapet, with the set back shallow pitched roof rising to 15.3m. The new flats further west, which will form a backdrop to this site in views from the east, are 17m tall.



Residents have questioned the accuracy of the images and the heights referred to relative to existing ground levels. The applicant's agent has submitted a clearer plan which confirms both local datums (where the Ground Floor slab is +0.00) and absolute levels (AOD levels). The plan correctly shows the building to be 15.3m to the ridge.

Site levels vary between 4.6m AOD in the south-west corner to 3.8m AOD near the site entrance to the east. Internal levels of the building will be set at a minimum of 4.5m AOD (see flood risk section below). The applicants' agent has confirmed that external levels across the site will remain mostly unchanged, except where level access to the building is required such as the covered service area at the eastern end of the building. Final details of levels can be reserved by condition but it should be noted that the building height and assessment work submitted with the application is based on the finished ground floor level of 4.5m AOD.

The following are extracts from the submitted Verified Views document and show the proposed building in the context of the existing buildings and with the new flats in the background. These demonstrate that, while a large building, it will not be unduly out

of scale in this changing streetscape of Albion Street or in comparison with developments proposed further west along the Harbour Arm.



Views of the building as one approaches from the west will be largely screened by the new flats as demonstrated in the next image:



Overall, it is considered that, while undoubtedly representing significant change in visual terms over what is there currently, the proposed building is of an acceptable scale, height and design in this location.

***Impact on setting of Victoria Road/Conservation area***

To the north, the character of the area changes to a largely residential scale, with the edge of the Conservation Area sitting to the NW of the site, on the other side of the railway bridge. The railway embankment and trees provide a good barrier, helping to screen much of the building in views from the north. The image below shows that the top of the building will be visible as one approaches the railway bridge where the road bends sharply southwards. Its impact has been substantially reduced by moving it further from the embankment, removing part of the top section and adding gradation to the colour scheme.



It should also be noted that looking south west from Victoria Road the new flats in Albion Street are now very visible and the new storage building will be seen in this context.



From further north along Victoria Road the building is largely screened by the trees and existing houses. It is acknowledged that the trees are regularly cut back to protect the railway line but, even in such a case, the two storey houses in the foreground provide much of the screen and the new storage building will only be glimpsed in the gaps between the houses.



It is therefore considered that the impact of the building in views from Victoria Road north of the railway line are not harmful or overly dominant and the setting of the Conservation Area is therefore preserved.

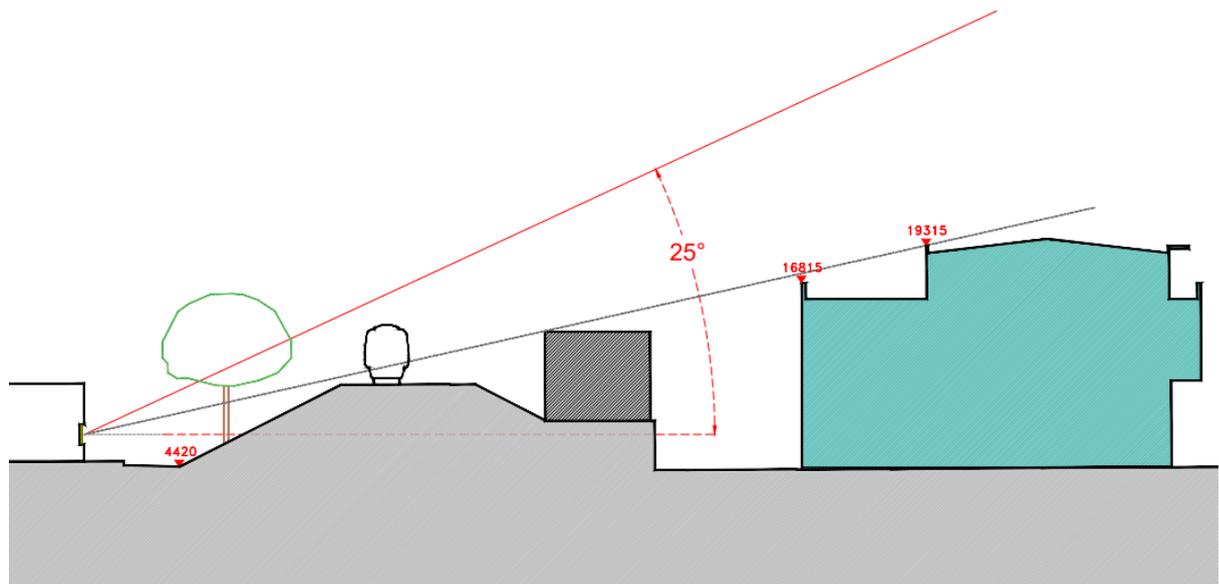
### ***Residential amenity***

The main residents to be affected by this development are those in Victoria Road, particularly Nos 44 and 46 which back onto the railway line. Those dwellings further east gradually angle away from the site and are less affected.

In order to reduce the impact of the development on residents the building has been moved further away from the embankment and is now shown as being approximately 44m from the nearest dwelling (No. 46). Furthermore, the massing at the top of the building has been reduced with the pitched roof set back a further 8m from the northern edge of the building. There is a 8.75m wide taller section on the northern edge which provides the stairwell, but at the distances involved, the building is not considered to be unduly overbearing to residents. The colour scheme has also become more muted on that elevation.

A Daylight and Sunlight Assessment has been submitted and it states:

*“The closest neighbouring residential properties are located to the north of the site, on the other side of the raised railway line. For this scheme the elevation angle to the top of the proposed development from the lowest windows in these properties is less than 25° and, in such circumstances, according to the BRE guidelines, the impact should be considered acceptable, and a detailed analysis would not be required.... Nevertheless, a detailed assessment has been undertaken.”*



No.46 is a recently completed new two storey house which has limited openings on the rear elevation. These windows serve a first floor bathroom and ground floor WC only, so not habitable rooms. As such, there is not considered to be any adverse impact on that property.

No. 44 has more rear windows but will, according to the Assessment, “*experience reductions in VSC of up to around 4% which is significantly below the BRE guideline figure of 20%. The retained VSC figures of over 33% are comfortable above the BRE suggested minima of 27% and therefore the daylight levels will be excellent. The sunlight impact will be negligible.*”

The VSC is the Vertical Sky Component which is a measure of the direct skylight reaching a point from an overcast sky. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e., the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected. In this case, a 4% reduction is considered to be insignificant.

Overall, there is not considered to be an adverse impact on light or outlook for existing residents.

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

The former lorry park had capacity for approximately 23 heavy goods vehicles (HGVs), 11 vans and five cars. Vehicular access is from Grange Road at the eastern end of the site, off the A259, and no changes are proposed to this access.

The proposal would provide eight parking spaces (including one disabled space ) plus provision for two vehicles loading next to loading doors and space for a forklift, at the eastern end of the building. Three spaces would be adjacent to the reception area and five spaces at the south edge of the site. Storage for two staff bicycles

would be provided within the building. Four short-stay cycle parking spaces (two Sheffield stands) for visitors would be located south of the building.

West Sussex County Council is looking to provide a cycle route along the A259 and they have confirmed that this proposal does not affect the land required for that scheme. They also have no objection to the level of parking provision and advise that the proposal would equate to a reduction in vehicle trips in the peak hours and a significant reduction in HGV movements compared with its use as a lorry park.

There are no highway objections to the parking or access implications of the proposal.

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

The site lies in Flood Zones 2 and 3 and a Sequential Test has been undertaken in accordance with the NPPF. The sequential site search has considered all sites allocated for commercial development within the 2017 Local Plan, and the 2019 JAAP, as well as any other vacant brownfield land within the Character Area, which does not fall within the flood plain and is not covered by any other policy constraint that would not support a self-storage use. No suitable sites were identified of sufficient size that were sequentially preferable and available.

The proposed use is classified as 'less vulnerable' as defined in the Flood Risk and Coastal Change PPG and does not therefore need to pass an exception test.

A Flood Risk Assessment has been submitted. It states that the predicted flood water level for the site is 4.28m AOD in the current climate, which would result in only partial flooding of the site. The proposed development is non-residential and therefore less vulnerable. The building is designed to have a 60 year lifetime (taking the development to 2082) and the development is therefore required to be defended to a minimum level of 5.40m AOD.

Flood resilience measures are proposed to be included such as:

- Raised finished floor levels of 4.5m AOD.
- Flood-resilient construction (reinforced concrete or masonry) up to a level of 5.60m AOD with window sills set above this level.
- Either demountable flood boards on all entrances, or flood-proof doors.
- Water-proof ducting for services, or service ducts to be taken up the outside of the reinforced concrete wall (inside the cladding) and enter the building above flood defence height.
- Site users are advised to subscribe to the Environment Agency Flood Warning Service to ensure that employees and customers have sufficient time to deploy and demountable boards where installed, turn off main gas and electricity, and safely evacuate from the site.

For surface water drainage, the proposed development includes green landscaped areas on the site amounting to 661m<sup>2</sup> of permeable areas resulting in a 22% reduction of impermeable area compared to the existing site.

The Environment Agency, the LLFA and the Council's Engineers have all confirmed that they have no concerns over flood risk or drainage on the site.

### ***Sustainability***

An Energy Efficiency and Sustainable Development report has been submitted in support of the application. It states that a 10.2% reduction in carbon emissions will be achieved through the use of a 30m<sup>2</sup> roof mounted photovoltaic array. The building will have a very low heat demand by the nature of its use.

### ***Contaminated land***

A preliminary ground investigation has revealed that limited sources of contamination have been identified on-site, including localised fuel spillages during its use for lorry parking. The proposed hardstanding and building across the majority of the site would limit the direct exposure of future site users to any contamination. However, a clean layer of topsoil and subsoil will be required in the proposed landscaped areas.

The Council's Environmental Health Officer has no concerns subject to a remediation strategy and final validation report being submitted.

### **Recommendation**

**Subject to a s106 Agreement to secure sustainable transport contribution of £3,509, APPROVE subject to the following conditions:-**

1. Approved Plans
2. 3 year time limit
3. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
4. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use
5. 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
6. Hours of construction 8-6 Monday-Friday, 8.30-1 Saturdays only
7. 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:-
  - a remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy 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.

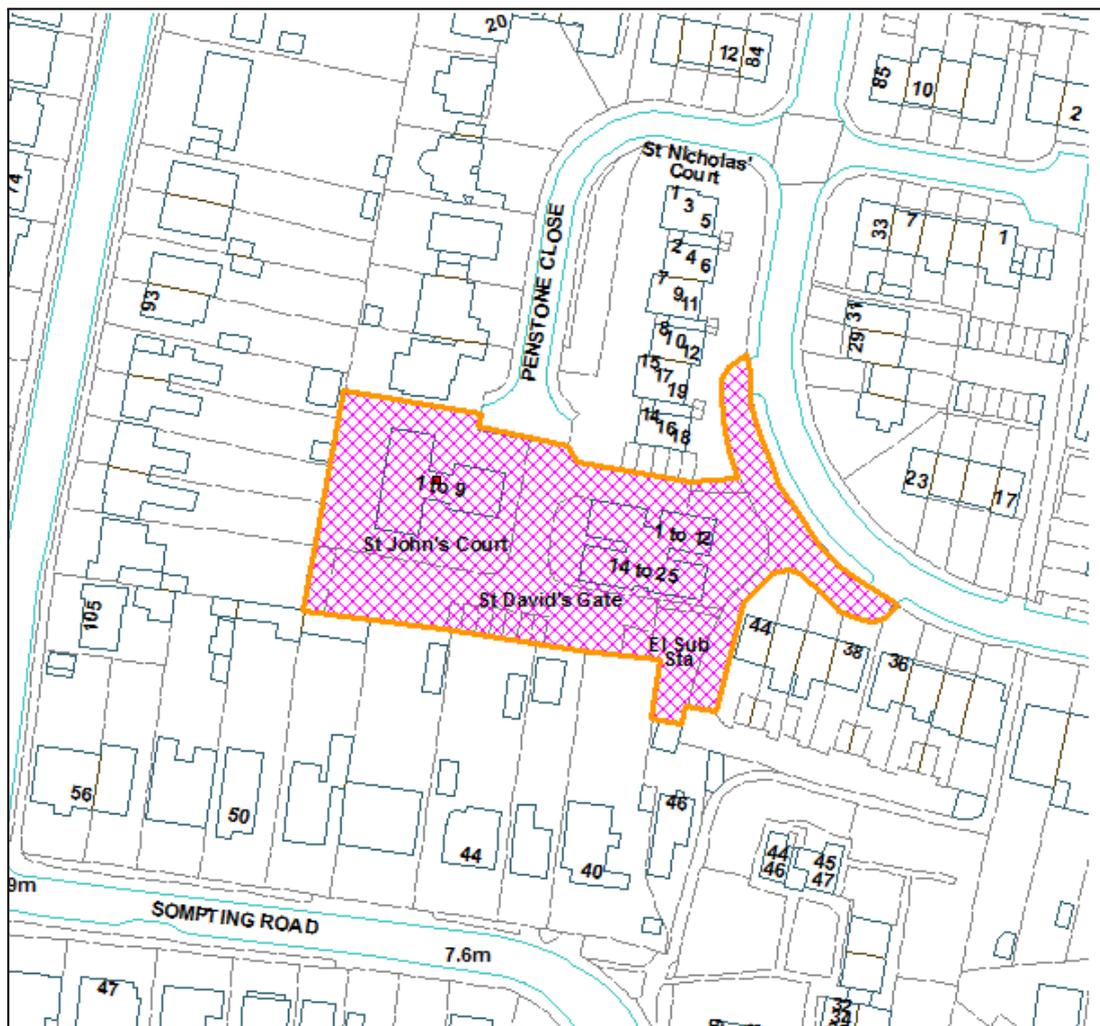
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.  
The remediation strategy shall be implemented as approved.
9. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority
10. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ('Flood Risk and SuDS Assessment, Ref: 21058-FRA-TN-01 C06, dated 02/12/2022) and the following mitigation measures detailed within the FRA:
  - The Finished Floor level of the development must be set no lower than 4.50m AOD (section 4.6 of the FRA).
  - Flood-resilient construction methods should be used up to a level of 5.60m AOD, with corresponding structural design to ensure that it is able to resist hydrostatic forces. Cladding should be comprised of waterproof material for anything lower than 5.60m AOD (section 4.6 of the FRA).
  - Demountable flood boards or flood-proof doors should be used on all
  - Water-proof ducting for services, or service ducts should be taken up the outside of the reinforced concrete wall (inside the cladding) and enter the building above flood defence height (section 4.6 of the FRA).
  - Non-return valves should be installed on foul and stormwater drainage systems to prevent internal flooding via backflow through toilets and sinks (section 4.6 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.
11. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers
12. 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

13. Notwithstanding the details shown on the approved plans, prior to the commencement of development, details of the floor level of the proposed building and any alterations to the ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in strict accordance with such details as approved.
14. Details of external materials to be submitted and approved
15. Hard and soft landscaping details, including additional tree planting, to be submitted and approved

16. To be used as self-storage warehouse (Use Class B8) only and for no other purpose
17. Sustainability and energy efficiency measures to be provided in accordance with approved details.
18. No external extensions or alterations without permission
19. Details of public art feature to be submitted and approved

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



**Not to Scale**

## Proposal, Site and Surroundings

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

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

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

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

The Design and Access Statement submitted with the application states:

*"The appearance of the building has been designed to reflect the value in the simplicity and proportions of the existing building. The existing window openings are altered to introduce a more contemporary window style and make the block cohesive as a whole. The proposed windows will preserve the existing head heights but are often changed in width and swapped to full height windows to create a contemporary aesthetic and boost natural daylight within the existing flats. Large picture windows are introduced at the lobbies to create dual aspect upon approach and help mark the entrances. A number of smaller window sizes overlooking boundaries. The proposed extension is to be white render along with the existing St Johns block which is proposed to be over clad in insulated render. This will visually tie the elements together while also providing increased thermal efficiency to the existing flats. Standing seam aluminium is used on the third floor as well as a feature in between windows."*



Proposed West Elevation

The existing road arrangement along the southern boundary is proposed to be shortened and the garage block on the southern boundary is to be removed to create a new area of 12 parking spaces. Elsewhere, the parking arrangement will be formalised to move the vehicles off the main access routes by proposing parking spaces on the existing grass verges. These include 6 new spaces on land west of 44 Penstone Park in the SE corner of the site, which will necessitate the removal of an existing hedge. In total, 37no. car parking spaces will be provided across the site, including 7 spaces within an existing layby along Penstone Park. This equates to an increase of 6 over that which currently exists.

2 bin and bike stores are proposed, shown as being on the southern boundary and on the northern boundary, close to 30 Penstone Close.

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

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

### **Relevant Planning History**

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

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

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

### **Consultations**

**West Sussex County Council:** Comments:

### Access

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

### Car parking

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

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

### Access from Penstone Park

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

Can the applicant please provide some clarity on the above including spaces for maintenance vehicles in relation to the sub station. There will be an existing demand for parking spaces in the area so it is therefore recommended that a car parking survey is also provided.

### Electric Vehicle Charging

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

### Cycle Parking

12 cycle parking spaces are proposed, 6 of which are in a secure and covered area with an additional 6 for visitors. As an additional 9 dwellings are proposed the application should include secure and covered cycle parking for all of these dwellings, therefore at least 9 spaces

### Recycling/Waste

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

### Sustainability

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

**Agent's Response:** Whilst we acknowledge there will be alterations to the parking on the site, access to the electrical substation remains the same; the substation is accessed from the north and is proposed to be retained to the north. There is no proposed parking to the front of this, with the parking being introduced to the east it is not considered to cause any harm or difficulty in accessing the sub-station.

In relation to parking provision, we refute the claims that the access and visitor parking are on public land as this is land controlled by the client and not under the control of WSCC Highways or within the public highway. As such we believe that the visitor spaces should be included within the provision of parking spaces throughout the site. Overall, the total number of spaces to be provided are 37, this is with the 8 visitor spaces included as well as the 29 allocated spaces. Providing 0.7 spaces of allocated parking per residential unit and 8 visitor spaces being provided at 20%. This is an uplift of 6 spaces as the existing garages on site are not available for the residents of St David's Gate and St John's Court. It is therefore considered that it is not a reasonable request to have a parking survey completed when the increase in parking on the site allows for a significant increase in the number of spaces per unit of residential accommodation.

To address the comments regarding the cycle storage it is considered that the provision of 12 enclosed spaces (covered and secure) and the provision of a further 2 spaces by the entrance to St John's Court for visitors are sufficient for the proposed development. As a total of 14 cycle spaces are to be provided, resulting in an over provision of cycle storage for the 9 new dwellings created. The Bin and Bicycle Store Plan illustrates that there will be 2 sets of 6 bicycle spaces.

The Bin and Cycle Storage can be accessed by a large refuse vehicle entering from Penstone Close as it is currently required to do. There is sufficient space within the site for the vehicle to turn and exit as demonstrated by the current collection arrangement. The bins are currently located next to the garages in a cluttered informal manor, as such providing a formal storage place in this location is considered to be an improvement to the existing arrangement.

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

The applicant has confirmed that 12 cycle parking spaces will be provided which is acceptable.

### Car Parking

Our electronic records show that the visitor car parking spaces adjacent to Penstone Park are part of the public highway and should not form part of the application site, however these details are being checked on archived paper mapping.

The loss of the 7 car parking spaces would result in a reduction in parking. However, in the event your authority consider the shortfall in parking spaces to be acceptable, it is unlikely that the lack of parking will result in a highway safety issue.

**Agent's response:** We note that WSCC Highways have stated that the visitor car parking spaces adjacent to Penstone Park are 'part of the public highway and should not form part of the application site'.

For the avoidance of doubt, the Applicant and their Solicitor has confirmed that the area within the 'inner road/layby' is part of their freehold but neighbours have a right of way across it but do not have a right to park there. This falls under the Title number SX46323.

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

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

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

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

The **Engineer Flood risk**- The application is within flood zone 1, The application is within flood zone 1, but has areas in the vicinity shown to be at risk from surface water flooding. We have no objections to the proposals on flood risk grounds. **Surface water drainage**- our mapping indicates there may be a private surface water sewer located within the location of the proposed extension. This should be fully investigated via CCTV survey, and investigations into the asset owner should be made. As per our validation list this application should be supported by a surface water drainage statement. We wish to place an OBJECTION, AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Information is required prior to determination as it is not clear that policy compliant drainage can be secured via conditions. In order to 2 overcome our objection the applicant should submit: 1. Results of investigations into existing drainage assets to the south of the building within/ near the location of the proposed extension. 2. A surface water drainage strategy outlining proposed methods of surface water disposal. This should clearly detail the existing drainage arrangements, and should consider that there are no public surface water sewers in this location. Discharge of surface water must not occur to the foul sewer. Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

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

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

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

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

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

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

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

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

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

condition requiring details of foul sewerage and surface water disposal.

**Lancing Parish Council:** No response received

## **Representations**

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

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

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

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

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

## **Relevant Planning Policies and Guidance**

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

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

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

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

National Planning Policy Framework (July 2021)

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

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

### ***Principle***

The application relates to a residential extension of an existing block of flats located within the built up area and is acceptable in principle subject to the usual planning considerations which are set out in the report below.

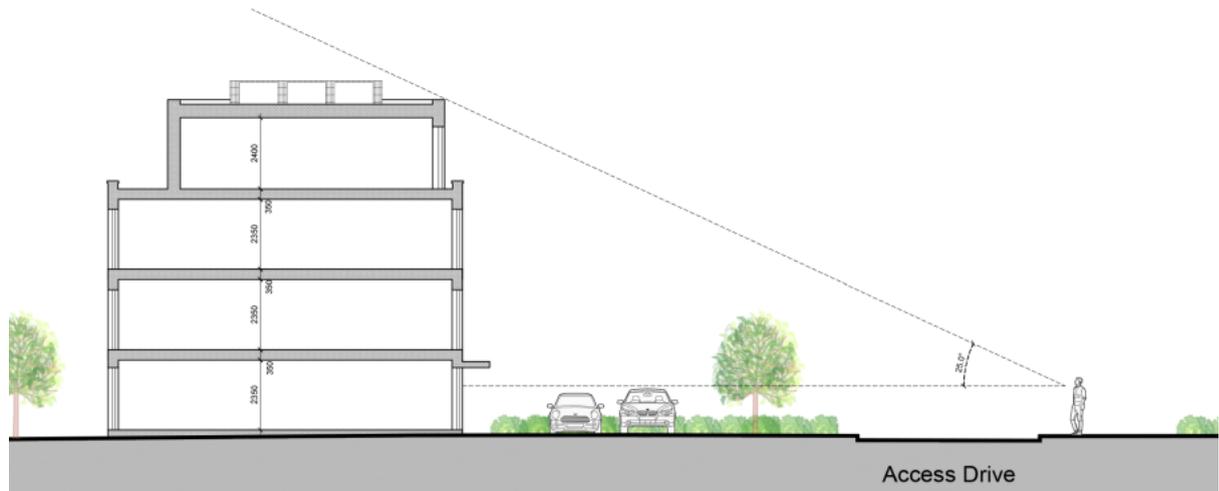
The proposals will help towards meeting the identified housing need in Adur by providing 9no additional residential units.

### ***Visual amenity***

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

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

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



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

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

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

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

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

A covered bin and bike store is proposed to be located on the northern boundary adjacent to the front garden of No.30. This corner of the site is screened by an existing hedge and it will not have a visual impact on the neighbouring occupiers. Being covered, this will protect residents from any odours. The impact on No. 30 is not considered to be harmful.

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

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

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

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

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

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

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

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

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

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

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

The proposals include a reconfiguration of the existing parking arrangements to provide a more formalised layout for both St Johns Court and St David's Gate, which is also within the applicant's ownership. There are currently 31 spaces serving the 33 flats in both blocks and the proposals will see an additional 6 spaces to serve an additional 9 flats. While the number of new spaces is less than the number of new flats, the existing parking spaces include 7 garages which the applicant claims are too small for modern cars and are used for storage. They are also rented out to non residents. Their replacement with parking spaces will therefore be of benefit.

The 37 spaces, which will include 8 visitor spaces, will serve 42 flats at a ratio of 0.9 spaces per flat which is consistent with the existing arrangement, but with the benefit of replacing unused garages with surface spaces. Cycle parking is also to be provided and the site is considered to be in a sustainable location, close to Lancing town centre and the railway station.

While the concerns of residents regarding parking shortfalls and the potential for increased congestion are acknowledged, it is considered that the new parking proposals will enable a more efficient layout which will be of benefit to the occupiers of the flats and local residents alike. West Sussex Highways have advised that, provided the District Council considers the shortfall in parking spaces to be acceptable, it is unlikely that the lack of parking will result in a highway safety issue.

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

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

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

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

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

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

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

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

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

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

## ***Sustainability***

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

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

## **Recommendation**

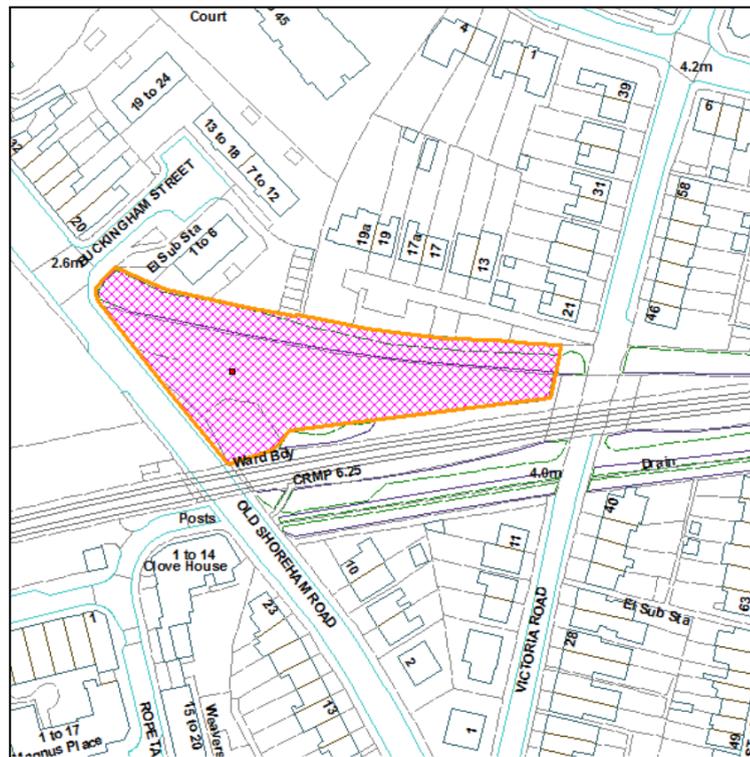
### **Approve**

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

1. Approved Plans
2. 3 year time limit
3. Schedule and samples of materials to be submitted and approved

4. Construction Management Plan (to include resident liaison) to be submitted and approved
5. Hours of working: 8-6 Monday to Friday, 8.30-1 Saturdays, no working on Sundays or Public Holidays
6. Development shall not commence, other than works of site survey and investigation, until full details of the proposed foul and surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity
7. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
8. Car and cycle parking to be provided in accordance with the approved plans
9. Waste storage to be provided in accordance with the approved plans
10. Sustainability and energy efficiency measures to be provided in accordance with the approved details
11. Landscaping scheme to be submitted and approved

<b>Application Number:</b>	<b>AWDM/2294/21</b>	<b>Recommendation - Approve and Delegate to the Head of Development to issue decision upon the expiry of the consultation period on 7 February and there being no new substantive comments not previously considered by the Committee</b>
<b>Site:</b>	<b>Development Site At 12 To 18 Old Shoreham Road, Shoreham-by-Sea</b>	
<b>Proposal:</b>	<b>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</b>	
<b>Applicant:</b>	<b>Adur Developments Ltd</b>	<b>Ward: St Nicolas</b>
<b>Agent:</b>	<b>Paul Joyce, Lewis and Co Planning Se Ltd</b>	
<b>Case Officer:</b>	<b>Gary Peck</b>	



**Not to Scale**

*This application was deferred at the December meeting to seek further information in respect of landscaping/tree retention and impact upon neighbouring properties. The previous committee report is appended.*

### **Current Situation**

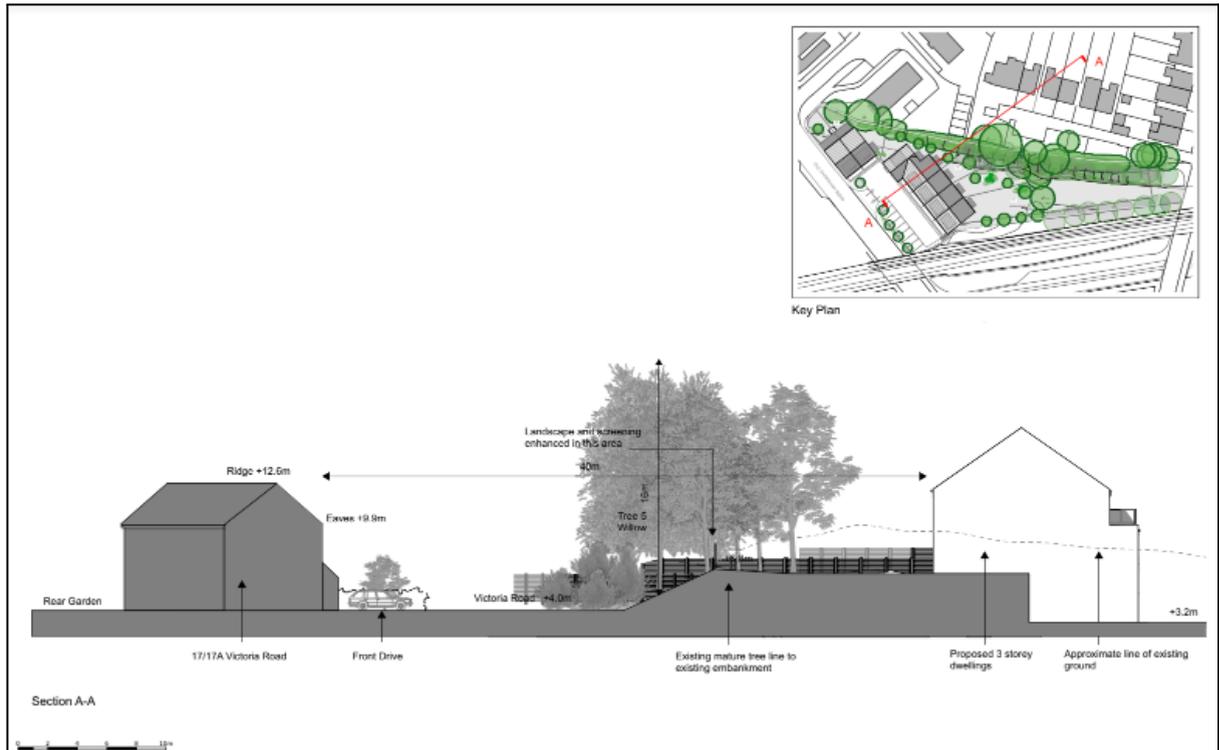
Following the meeting, further information has been submitted by the applicant's agent consisting of an Arboricultural Method statement, updated landscaping plans, and updated site layout and site section drawings showing the distance between the proposed dwellings and the nearest existing residential properties.

The site layout plan below demonstrates that there is a minimum distance of 38 metres between the nearest proposed dwelling and existing residential dwellings. This far exceeds the Council's minimum overlooking distance of 22 metres, but members will also recall that the development has been reduced by 1 storey from that originally submitted. Notwithstanding this distance, it was also considered necessary to demonstrate the raised nature of the land on the old railway embankment would not result in the development appearing overbearing to the dwellings behind and accordingly the section drawings below were also submitted as additional information.

*Site layout plan showing distance to residential properties:*



## Site section drawing



Your officers consider that the additional information successfully demonstrates that the proposal is acceptable in terms of its impact upon existing residential properties.

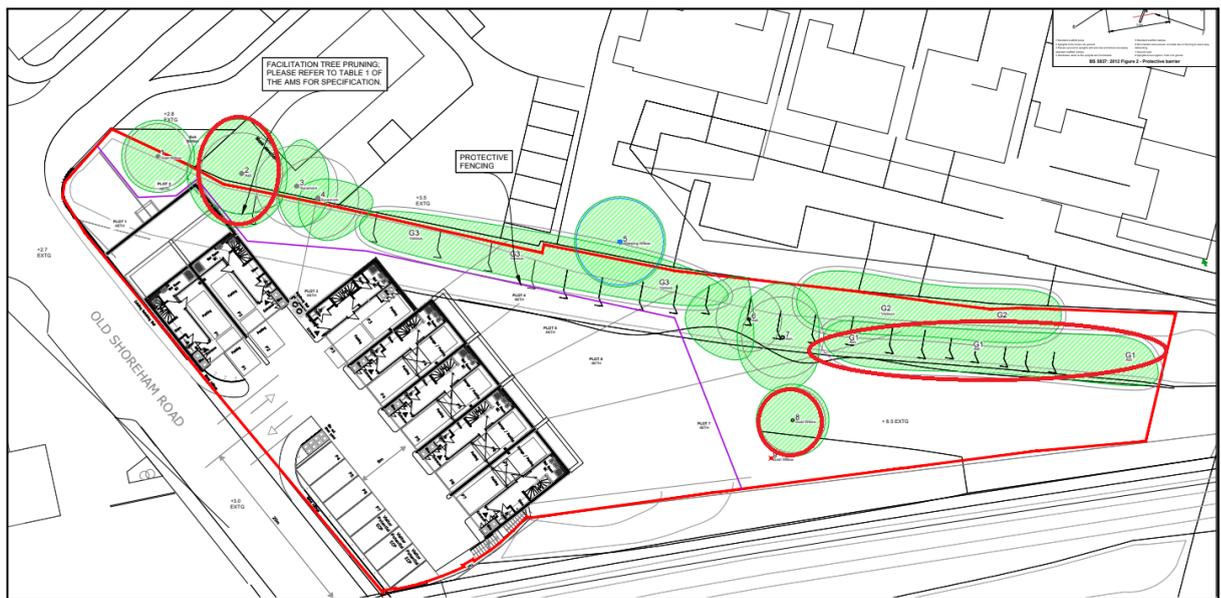
The section drawing also shows that part of the reason for the acceptable relationship between the development and existing dwellings is the existence of a tree screen that runs along the border of the application site. Notwithstanding the distance between dwellings, therefore, members wished to ensure that sufficient information was submitted to demonstrate that the tree screen would remain.

An arboricultural method statement has been submitted with the application which more explicitly outlines the retention and tree works required as part of the development. In particular, a tree removals and pruning table has been submitted:

Tree no.	Species	Height	BS Category	Work required	Reason for work
2	Ash	10m	C	Crown reduce south side only by 1.5m of existing branch length leaving branches 4.2m from trunk & providing clearance to plot 2 by approx. 2.8m. Crown lift south side only to provide 2m clearance from ground level.	To enable construction of retaining wall without causing damage to tree/parts.
9	Goat Willow	5m	C	Fell to ground level.	Due to poor structure and limited life expectancy. To provide space for new tree plantings (refer to proposed Landscape Plan 'LP01').
G1	Ash	12m	C	Fell dead trees and those showing progressed <i>Chalara</i> , Ash dieback symptoms i.e. more than 50% defoliation.	Due to presence of <i>Chalara</i> , Ash dieback disease and decline in tree health visible within tree group.

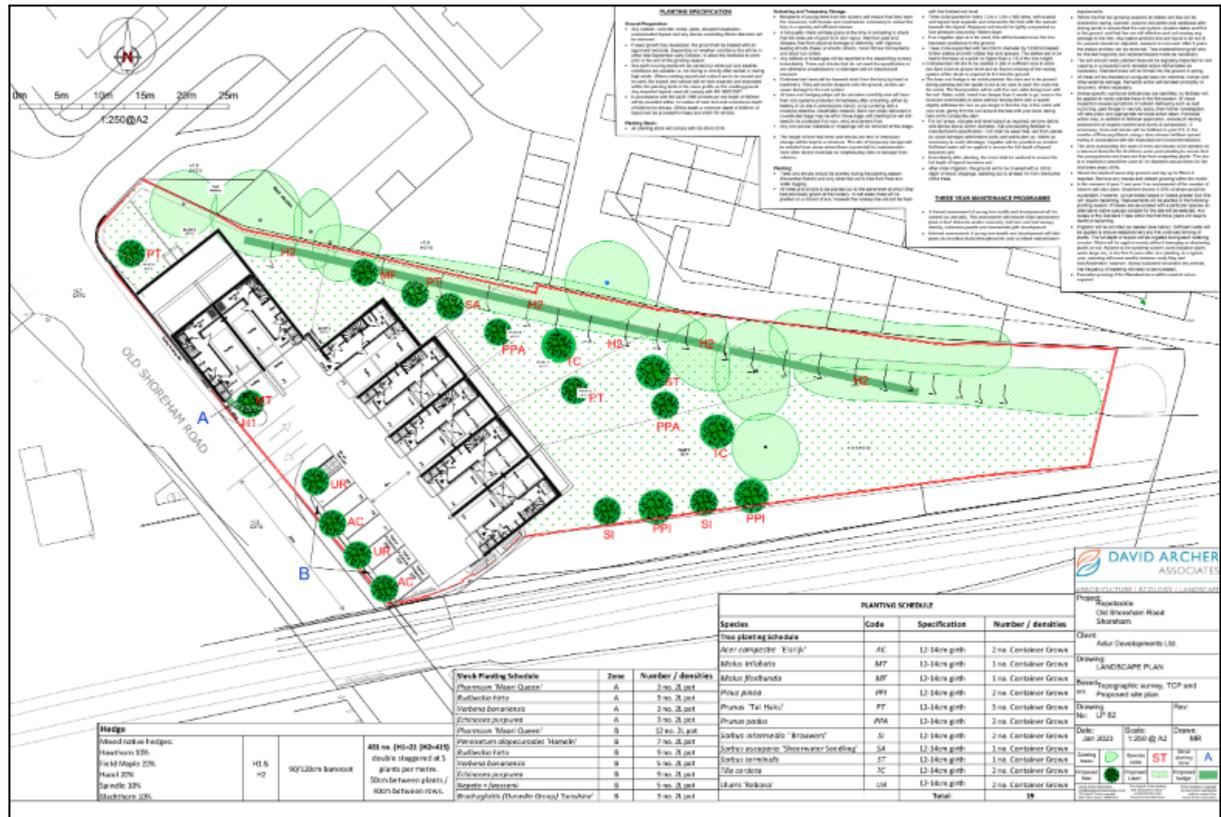
Table 1 – Tree removals and pruning

The main tree works required are therefore are crown reduction to the Ash adjacent to plot 2, the removal of a goat willow tree and felling the group of ash trees that lie inside the group of trees that border the site as shown on the diagram below with the affected trees circled in red:



It is considered that the felling of the goat willow (the tree circled to the south) and the crown reduction to the ash (north western part of the site) will have little material impact. The removal of the Group 1 set of ash trees makes it imperative that those within Group 2 and Group 3 (the former being sited immediately to the north of G1) are retained. In this respect it is noted that the method statement identifies these trees as being retained and providing *valuable habitat and screening to residential properties*. It is also noted that on the above plan, protective fencing is proposed to ensure the retention of the trees during construction works. The details outlined in the method statement can be secured by condition.

Additional landscaping including hedge and shrub planting will also take place:



Together with the tree retention, it is considered that the proposed landscaping will further enhance the development.

## Conclusion

It is considered that the additional information submitted by the applicant demonstrates that the proposal will fit acceptably into the area and provides the additional information requested by members at the December meeting. Accordingly, it is recommended that permission be granted. The conditions proposed at the end of the original report have been updated to reflect the additional information.

## Recommendation

To Approve and Delegate to the Head of Development to issue decision upon the expiry of the consultation period on 7 February and there being no new substantive comments not previously considered by the Committee and subject to the conditions at the end of the appended committee report with updated conditions to reflect the submission of further information.

## COMMITTEE REPORT: DECEMBER 2022

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-Steyning-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](mailto: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 2 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

Polices 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)  
WSSC 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 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.

## **Subject to conditions (updated to reflect submission of additional information)**

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 be carried out in full accordance with the Arboricultural Method Statement submitted by David Archer Associates dated January 2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the retention of those trees identified to be retained within the Method Statement.

13. All hard and soft landscape works, including the works outlined in the Arboricultural Method Statement submitted by David Archer Associates dated January 2023, shall be carried out in accordance with the approved plans 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.

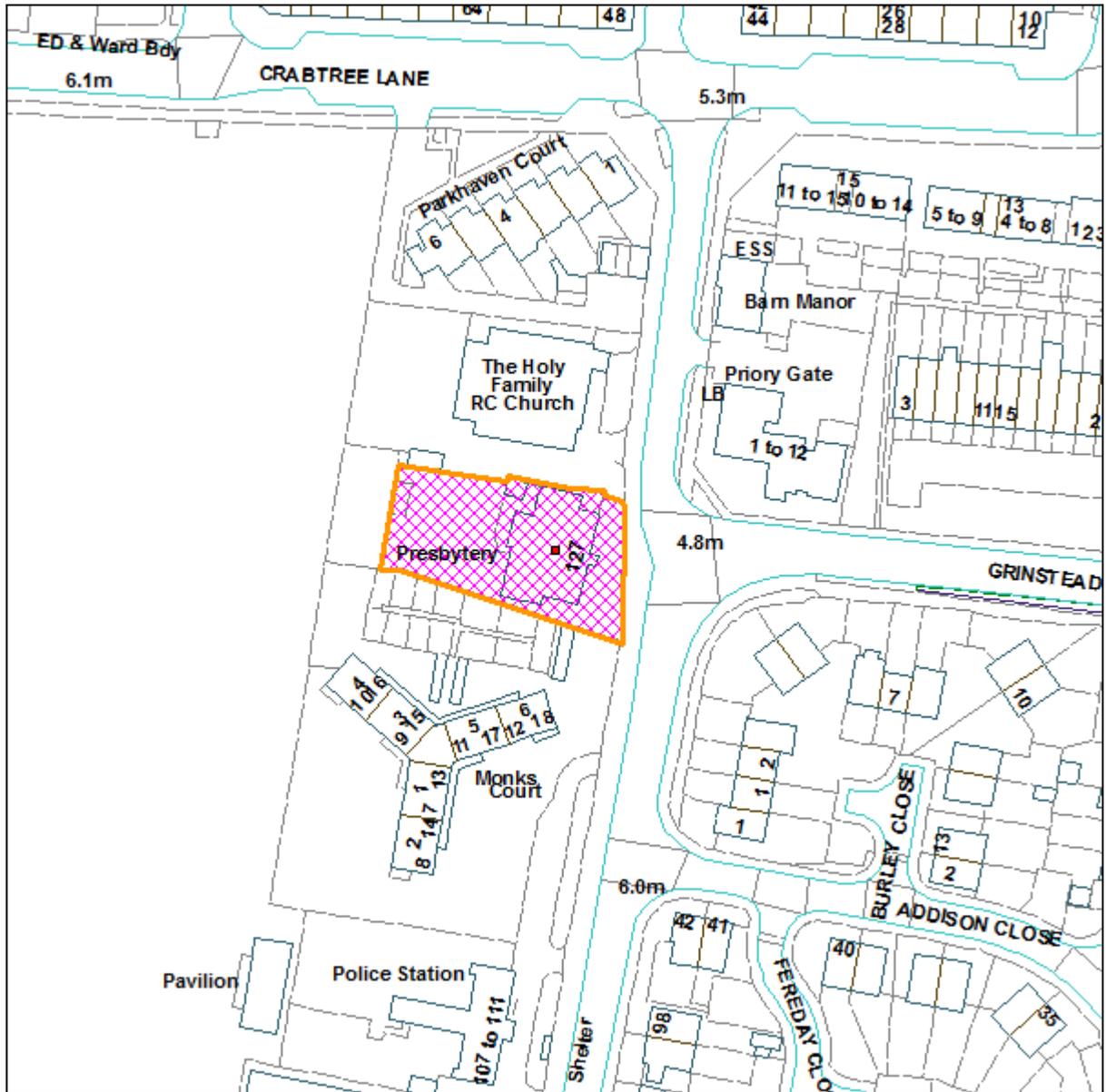
Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.

## 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](mailto: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](mailto: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.

<b>Application Number:</b>	<b>AWDM/1032/22</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>Monks Farm Presbytery, 127 North Road, Lancing</b>	
<b>Proposal:</b>	<b>Change of use of former Presbytery to six flats with 6no. parking spaces</b>	
<b>Applicant:</b>	<b>TJH Partners</b>	<b>Ward: Mash Barn</b>
<b>Agent:</b>	<b>Mohsin Cooper</b>	
<b>Case Officer:</b>	<b>Peter Barnett</b>	

<b>Application Number:</b>	<b>AWDM/1033/22</b>	<b>Recommendation - Grant Consent</b>
<b>Site:</b>	<b>Monks Farm Presbytery, 127 North Road, Lancing</b>	
<b>Proposal:</b>	<b>Listed Building Consent for internal and external alterations involving removal and insertion of internal walls and doors, new windows and external doors, and demolition of non historic rear extension in connection with change of use of former Presbytery to six flats with 6no. parking spaces</b>	
<b>Applicant:</b>	<b>TJH Partners</b>	<b>Ward: Mash Barn</b>
<b>Agent:</b>	<b>Mohsin Cooper</b>	
<b>Case Officer:</b>	<b>Peter Barnett</b>	



**Not to Scale**

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## Proposal, Site and Surroundings

The site is occupied by a Grade II listed building known as Monks Presbytery and was originally used as accommodation for the local priest. It has more recently been used as Parish offices on the ground floor with accommodation above, used by the Diocese of Arundel and Brighton. It has been closed since March 2020.

The site is abutted to the north by the Church of the Holy Family. To the south are 3 storey flats in a Y-shaped building known as Monks Court. The site faces the mini roundabout junction with Grinstead Avenue to the east, where there are 3 storey flats in Prior Gate to the north of the road and 2 storey houses in Burley Close to the south. The site backs onto the Monks Recreation Ground to the west.

Full planning permission and Listed Building Consent is sought, as amended, for the change of use and conversion of the building to 6no. flats, comprising 3 x 1 bedroom flats and 3 x 2 bedroom flats on two floors. 6 no. car parking spaces are to be provided at the rear, accessed through the Church car park to the north.

The application originally proposed accommodation within the roofspace but this has been removed following advice from Officers. Further assessment of the historic fabric of the building has also been provided following concerns from Officers that the initial submission lacked detail and justification. As a result, the proposals have been amended to reduce the level of harm to the historic character of the building.

The building has been extended and altered over the years and there is a modern, flat-roofed extension to the hall at the rear and an unsympathetic smaller toilet extension with canopy roof. It is proposed to remove this latter extension. The fake shutters at the front of the building are also to be removed together with various minor features such as an aerial, pipes and meter cupboards.

The building has recently suffered damage while it sits empty and its appearance has deteriorated.

The application is supported by a Planning Statement, a Design and Heritage Report, a Heritage Impact Statement, a Preliminary Ecological Assessment, a Transport Statement, a Flood Risk Assessment and Drainage Strategy and an Arboricultural Impact Assessment.

This report covers the applications for both planning permission and Listed Building Consent.

### **Relevant Planning History**

Various applications relating to previous extensions and alterations but no planning history relating to a change of use of the building.

### **Consultations - in relation to planning application**

**West Sussex County Council:** No objection from a transport/highways aspect subject to conditions to secure car and cycle parking.

Comments:

Access and Visibility The applicant proposes to retain the existing access, with no alterations to this arrangement proposed. From inspection of the visibility splay plan and WSCC mapping, there are no visibility concerns with the existing point of access on North Road.

Capacity The Transport Statement includes trip generation data from the TRICS Database. The data indicates that the proposed development would result in a net decrease of nine vehicular movements per day. As such, the proposed development is not anticipated to give rise to a material intensification of use of the vehicular access when compared with that of the existing use.

Parking and Turning The applicant proposes seven car parking spaces for this development. From inspection of the plans, the proposed parking bays are suitably

sized and on-site turning has been demonstrated for both a private car and a refuse vehicle via swept path tracking. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require eight car parking spaces. From inspection of the plans, there appears to be room for an eighth car parking space, although the LHA does not anticipate that a shortfall of one parking space would give rise to a highway safety issue, owing to the site's sustainable location. If the development is being built under the old Building Control regulations, in place prior to June 15th 2022 it may be appropriate to secure EV charging provision through the planning process.

Cycle parking The applicant has demonstrated secure cycle parking provision to the rear of the site, in accordance with WSCC Parking Standards.

Sustainability The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular bus services available from nearby bus stops on North Road. Lancing Train Station is located approximately 500m south of the site.

**Adur & Worthing Councils:** The **Environmental Health (Private Sector Housing)** officer states that there are multiple inner rooms in the ground floor flats, but the applicant has indicated that fire egress windows will be fitted to mitigate the risks in said rooms.

The **Environmental Health (Public Health) Officer** has no objections.

The **Engineer: Original comments:** Flood risk- The application is within flood zone 1, but is shown to be at risk from surface water flooding. The flood risk assessment submitted details that it is proposed to provide an overland flow route around the building to ensure reduce risk of flooding to the dwellings. Sleeping accommodation is proposed on the ground floor. We would like to see further information on this regarding existing and proposed levels around the building, and current threshold levels. We wish to place a holding objection- request for further information on this application. Please re-consult us once details of existing and proposed levels have been provided.

Surface water drainage- the application is for a change of use but includes an increase in hardstanding to provide the parking spaces. The drainage strategy states that these are to be formed of permeable paving, we would require this to be conditioned to ensure compliance.

**Second Consultation:** The potential flood depths for the 1 in 1000 year event, which is considered to be an adequate substitute for a future 1 in 100 year event, predict flooding of up to 300mm depth adjacent to the building. The topographic survey indicates thresholds may be very low for the building, internal flooding is therefore a risk here. The low flow route proposed is not supported by ourselves as it may increase off site flood risk. The low patio wall does not serve a flood risk purpose, its construction would unlikely contain water and there are gaps in the wall. We would recommend the applicant considers flood resilience and resistance measures to the building to minimise the likelihood of internal flooding and the impact of it.

**Third Consultation:** Flood risk- The additional information states some flood resilience, however the final details must reflect these statements.

Surface water drainage- the application is for a change of use but includes an increase in hardstanding to provide the parking spaces. The drainage strategy states that these are to be formed of permeable paving, we would require this to be conditioned to ensure compliance.

The **Trees and Landscape** Officer considers that the most important trees at the site are being retained and that there is sufficient protection for the retained trees both during and after the proposed works.

**Planning Policy:** The application concerns a Presbytery which is defined as a community facility for the purpose of Policy 33: Sustainable Communities in the Adur Local Plan (2017). The proposed development will result in the loss of the community facility. Policy 33 seeks to safeguard existing community facilities unless the application can demonstrate that it meets one of the three exceptions as listed in the policy (see bullet points).

The submitted Planning Statement\* (p.10) states that the building has been marketed for disposal and that the parish wishes to build a smaller and more modern facility at the rear of the retained church for parish meetings and office facilities. That space will also be made available to the local area as a community facility. The proceeds from the sale of the property will assist in funding this replacement facility.

Whilst the statement makes reference to marketing, no details / evidence of this exercise has been supplied with the application. However, with regards to the proposed provision of a replacement facility, it is considered that on this basis, the third bullet point of Policy 33 is complied with and thus the loss of the church hall is considered acceptable in principle.

**Southern Water:** Standard advice given

**Adur District Conservation Advisory Group:** No comments received

**Lancing Parish Council:** No comment

### **Consultation - relating to the listed building consent application**

The **Design and Conservation Architect** has no objections to the application following the receipt of additional heritage information, further exploratory work of the historic fabric and the submission of amended plans and detailed design features.

### **Representations**

1 comment received on the original plans:

I am concerned about the inclusion of an attic flat. Difficult to exit in case of fire, and claustrophobic with very little headroom in most places. Otherwise good.

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 2, 3, 9, 15, 16, 17, 18, 19, 20, 22, 28, 33, 34, 36  
'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)  
Lancing Vision 2012  
WSSC Guidance on Parking at New Developments (Sept 2020).  
National Planning Policy Framework (July 2021)  
Technical Housing Standards – nationally described space standard (DCLG 2015)

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

The Committee should also consider the application in accordance with Sections 16 and 66 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## **Planning Assessment**

### ***Principle and loss of community facility***

Policy 33 of the Adur Local Plan seeks to protect community facilities and states:

*"The Council will protect, and support improvements to, social and community facilities. Development which would result in the loss of existing social or community facilities will only be permitted where:*

*It can be demonstrated there is no demand for the facility within the area and the premises have been marketed for a reasonable period of time; or*

*There is alternative provision available locally that is accessible, and at least equivalent in terms of quality; or*

*The proposed development would provide an alternative social and community facility."*

In this case, the applicants have argued that the cost of upkeep of the building for community use is prohibitive. Alternative community facilities are proposed at the

rear of the adjacent Church and proceeds from the sale of the Presbytery will help fund a new extension for this purpose.

The building is therefore no longer considered to be fit for purpose and, with replacement facilities proposed, the loss of the community use on the ground floor is considered to be acceptable, particularly as the application proposes to restore the building in a sympathetic manner and put it to a viable alternative use which will contribute toward the District's housing needs.

### ***Heritage Impact***

The original submission was not considered to be sympathetic to the historic character or fabric of the listed building. An additional flat was proposed in the roofspace which would have resulted in a large number of rooflights and harm to the roof structure, as well as being rather cramped and substandard accommodation. Other works included the removal of historic walls without any justification or understanding of the original plan form. Externally, the proposed car parking layout and fences at the rear were also considered to be unacceptable due to their close proximity to the building.

Following discussions with Officers and further survey work, a revised Heritage Statement and amended plans were received which are considered to be much more sympathetic to the building and its setting. Details of fire safety upgrades, sound resistance upgrades, ventilation and waste disposal have all been provided to the satisfaction of the Council's Design and Conservation Architect.

The amount of internal subdivision has been reduced, removing unnecessary corridors and partitions. Where a bathroom partition is required, these are shown with a high level glazing detail which allows the room to be understood, and also permits a level of natural light to enter these areas.

On the ground floor a corridor wall at the front of the building is to be demolished to enable a proposed bedroom in that area to gain natural light from the front window. Investigations of the wall show that it is a continuous brick structure of lesser importance and its removal can be justified. A 'downstand' will be provided to the ceiling to indicate where the wall used to be.

The works to the rear of the ground floor have no impact on the historic part of the building and will result in an enhancement over what is there currently.

Works to the first floor are also considered to be sympathetic while, within the loft, the fire safety requirements of the building regulations require the loft void to be subdivided along the compartment lines between flats of the floor below. An automatic opening vent will be continued up to the roof to facilitate smoke ventilation, in an emergency, and this is shown as a conservation-style rooflight on the rear roofslope where it will have less impact on the appearance of the building.

The removal of the fake shutters at the front of the building as well as other services and cables, will help to improve the facade of the building in this prominent location. On the south elevation, an existing non-original UPVC window at the ground floor

level adjacent to the hall entrance will be removed and the wall in this location reconfigured to allow for the installation of a new independent entrance door for flat 2, which is considered to be an acceptable improvement.

The existing sash windows on the building already have double glazing but will be replaced with more acceptable slim profile double glazed units, final details of which can be reserved by condition.

There is a basement to the building which does not form part of the proposals. The existing access hatch to the basement has been incorporated into Flat 3, which the basement is entirely below. It has been partially flooded for some time and further investigation work is required to find a solution to the existing standing water and why the previous tanking works have failed. This can be the subject of a condition.

At the rear, the proposed car parking has been moved to the rear of the garden, further from the building and more sympathetic landscape works are proposed, including retention and repair of existing flint wall at the rear of the existing patio area, a new garden wall between garden areas, new paved areas and lawn/planting. It is proposed that the ground floor flats only will have use of the garden area.

Overall, it is considered that the proposal is a sympathetic conversion which will not harm the historic character or fabric of the building. Furthermore, there will be improvements through the removal of the unsympathetic toilet block and shutters and the replacement of UPVC windows and doors with new units that better complement the original building. It is considered that the layout to provide 6 flats is a successful re-use of the building and that the heritage impact is acceptable.

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

The proposed flats all meet the nationally described space standards. Flats 1-4 on the ground floor are:

- Flat 1 - 2 bed 3 person flat 66m<sup>2</sup> (minimum standard 61m<sup>2</sup>)
- Flat 2 - 1 bed, 2 person flat 53.5m<sup>2</sup> (minimum standard 50m<sup>2</sup>)
- Flat 3 - 1 bed 1 person flat 42.7m<sup>2</sup> (minimum standard 39m<sup>2</sup>)
- Flat 4 - 1 bed 1 person flat 42.1m<sup>2</sup>

Flats 5 and 6 on the first floor are 2 bed, 3 person flats of 66 and 75m<sup>2</sup> which also exceeds the minimum standard.

There was some concern about the position of the shower room to flat 6 in relation to the bedroom of flat 5 on the first floor and possible noise disturbance. However, the applicants have advised that the dividing wall will meet all of the acoustic separation requirements of the building regulations and it is not considered that an objection can be sustained on this basis.

The ground floor flats only will have external amenity space at the rear. However, the building backs onto the Monks Recreation Ground where there is a large open space available for residents to enjoy if desired.

Waste storage is to be provided on the north side of the building within an area screened from the road.

Overall, it is considered that a good standard of accommodation is to be provided.

### ***Trees and Ecology***

An arboricultural report submitted with the application states that a total of fourteen individual trees and one hedge will be removed to enable the proposed development, including access to the new parking area at the end of the rear garden. The majority of the trees to be removed are in the C category as they are either considered to be of low quality or easily replaced. One Category B tree will be removed to accommodate the car park but new trees will be planted as part of a landscape scheme for the site, with tree protection measures in place to minimise the impact of the proposed parking area on the retained larger trees at the rear of the site. The Council's Tree Officer is satisfied with the proposals in terms of their impact on trees and the amenity of the area.

A preliminary ecological assessment has also been submitted which has found the site to be of low ecological value. It recommends that further bat survey work is carried out prior to any work being carried out in the loft space. Precautionary measures should also be in place in respect of nesting birds and reptiles and this can be required by condition.

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

Vehicular access to the development is to be via the Church car park to the north. A small amount of hedging and shrubs is to be removed to form access to the rear of the site where 6 parking spaces are to be provided on the western boundary with a charging point for electric vehicles. Cycle parking is also to be provided in that area, final details of which can be reserved by condition.

The site is in a sustainable location, close to the town centre, bus stops and the railway station. There are no highway concerns with the proposal.

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

The site is at low risk of fluvial and tidal flooding but is at risk from surface water flooding. The FRA submitted with the application states that some flood resilience measures are to be provided, along with permeable paving for the parking area. Subject to further details, there are no drainage or flood risk concerns with this development.

### ***Sustainability***

There are often difficulties in converting a historic building to include a suite of sustainable and energy efficient measures, compared with a new build development. In this case, the applicants have investigated a thermal upgrade of the building fabric but all of the external walls are lined with historic lath and plaster and it is not therefore possible to improve the thermal performance without causing substantial

harm to this fabric. Energy efficient heating by way of solar PVs or Air Source Heat Pumps were also considered but dismissed due to the impact of the plant on the listed building.

The applicants therefore propose to adhere to the Building Regulations, where there are provisions for lower energy efficiency requirements where full compliance would have unacceptable impacts on the character of a heritage asset.

In the circumstances, this is considered to be acceptable.

### **Recommendation**

AWDM/1032/22

#### **Approve, subject to the following conditions:-**

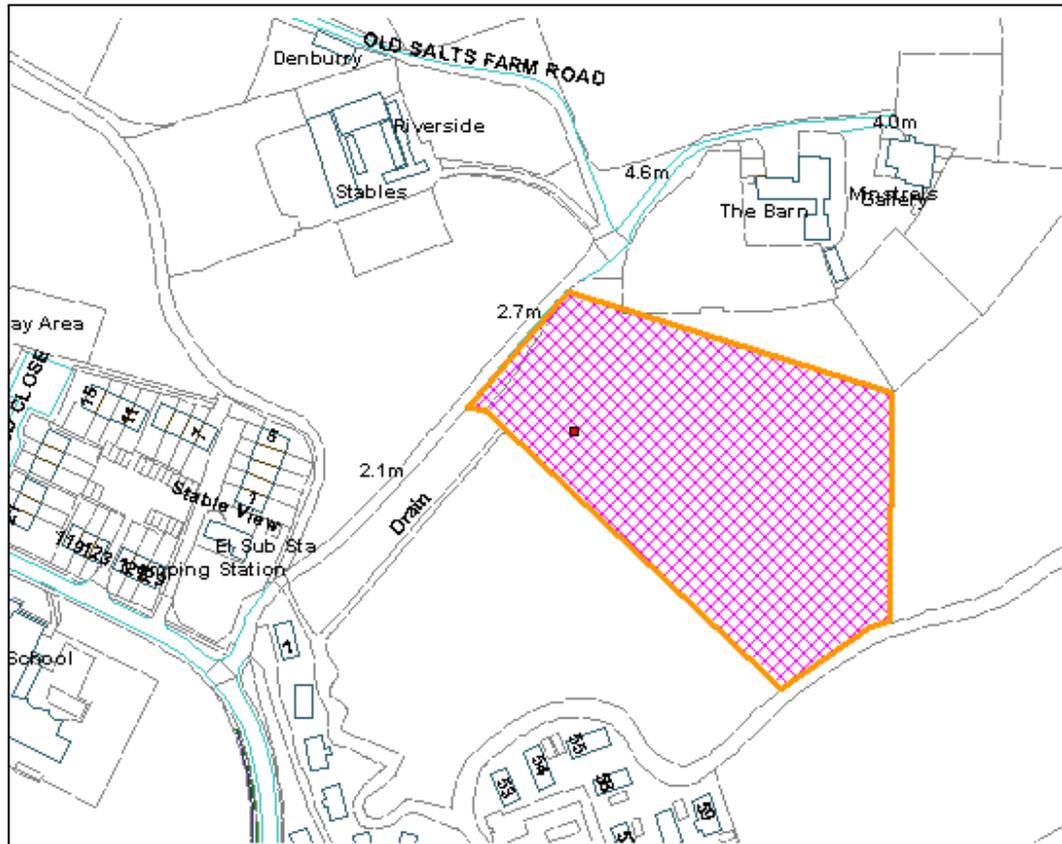
1. Approved Plans
2. Standard 3 year time limit
3. Details of permeable paving to be submitted and approved
4. Details of flood resilience measures to be submitted and approved
5. Tree protection to be put in place in accordance with approved Arboricultural Report
6. Landscaping details to be submitted and approved
7. Car and cycle parking to be provided in accordance with details to be submitted and approved
8. Details of new windows and doors to be submitted and approved
9. Recommendations of ecological appraisal to be fully adhered to

AWDM/1033/22

#### **Grant Listed Building Consent subject to:**

1. Approved Plans
2. Standard LB Time Limit
3. Protect listed building and damage to be made good
4. Details of new windows and doors to be submitted and approved
5. Details of new joinery and moulding to be submitted and approved
6. Details of proposals to protect basement from water ingress to be submitted and approved
7. Details of work to be carried out to repair existing flint wall in rear garden

<b>Application Number:</b>	<b>AWDM/1398/22</b>	<b>Recommendation - Approve</b>
<b>Site:</b>	<b>The Barn Caravan Park, Old Salts Farm Road, Lancing, West Sussex, BN15 8JG</b>	
<b>Proposal:</b>	<b>Replacement of permanent mobile home approved under planning permission AWDM/1170/15 with a permanent chalet bungalow of brick and flint walls and a slate roof. Alteration in the limit of time that the residential use can exist from 1st March to 31st October as existing under PP AWDM/1170/15, to all year round. Installation of 5 bird boxes along the south-west boundary.</b>	
<b>Applicant:</b>	<b>Mr and Mrs Joby Pannell</b>	<b>Ward: Widewater</b>
<b>Agent:</b>	<b>James Breckell Architects</b>	
<b>Case Officer:</b>	<b>Peter Barnett</b>	



**Not to Scale**

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## **Proposal, Site and Surroundings**

This touring caravan and camping site is located to the east of the built-up area of Lancing, within the remaining open area of flat coastal plain. It lies on the south-east side of a narrow private lane. It is situated 100m along the lane, before reaching the dwellinghouse 'Beechlands' (formerly 'The Barn') and the listed 'Minstrels Gallery' (formerly Old Salts Farmhouse) beyond. On the opposite side of the lane are paddocks and livery stables. To the south, beyond a watercourse and within the built up area, is a large residential mobile home site (Willowbrook Park).

The application site consists of a field, the north-west part of was formerly certificated by the Camping and Caravanning Club for its use as a touring caravan and camping site by Club members for no more than 5 touring caravans at any one time. Planning permission was granted in 2013 to increase the number of caravan pitches from 5 to 25 over the whole field, including that part which was outside the certificated area. Since then, the site is no longer certificated with the Camping and Caravanning Club due to its increased size.

Permission was granted in 2015 to permanently site a 3-bed mobile home measuring 12.5m long, 6.7m wide and 4.3m high to ridge on an existing area of hardstanding at the entrance to the site (AWDM/1170/15). It has 3 bedrooms - the intention being that the applicant's family (wife and 2 children) would occupy the mobile home during the season. One of the bedrooms is used as an office.

The permission was subject to a condition that the mobile home shall only be occupied by the manager of The Barn Caravan Park and their spouse and children and it shall only be occupied between 1 March and 31 October in any year. The mobile home shall be left unoccupied between 1 November and 28 February every year.

This application seeks to remove the existing mobile home and replace it with a brick built 3 bed chalet bungalow that would be tied to the campsite. The dwelling would measure 11.4m long, 7.9m wide and 5.95m high. It would be finished using slate tiles and brickwork with flint panels. The internal floor area would be 130 sqm compared with 78 sqm for the mobile home.

The application also seeks permission to occupy the dwelling all year round, with no winter break. The Design and Access Statement submitted with the application advises that winter trade on the campsite is growing, the bungalow would provide security and a permanent presence at the site for health and safety and to maintain order and good conduct on the campsite.

The application also proposes to tie the bungalow to the campsite by way of a legal agreement to ensure it can never be occupied separately from the use of the campsite.

The applicant is a Member of Adur District Council.

## Relevant Planning History

L/13/01 – siting of residential mobile home – refused

L/119/04 - siting of residential mobile home – refused

ADC/0360/06 - Temporary siting of mobile home (to provide 24 hour on site security/management of licensed touring caravan site) (retrospective) – refused and appeal dismissed

ADC/0173/08 - Locate mobile home on land in the sole ownership of a member of the 'gypsy' community – refused and appeal dismissed

AWDM/1089/11 - Shower, toilet and washing-up building for The Barn certified touring caravan site – approved.

AWDM/0722/13 - Change of use of rear part of field to enable its inclusion within certified camping and caravan park with associated increase in the number of caravan pitches from 5 to 25 – approved.

AWDM/0116/15 - Permanent mobile home for use of the camp site owner and new vehicle and pedestrian entrance gates - refused

AWDM/1170/15 - Permanent mobile home for use of the camp site owner with occupation limited to between 1st March to 31st October - approved

AWDM/0090/21 - Construction of multi-purpose single-storey reception building to north of site to include a reception and cafe, indoor toilet and an outdoor disabled toilet to be accessible 24 hours a day and a retail space (32m.sq) for camping related necessities - approved

## Consultations

**West Sussex County Council:** No objection from a transport/highways aspect subject to a condition securing cycle parking. Comments that the applicant proposes no alterations to the existing access arrangements. The proposed bungalow will be of similar scale to the existing caravan and as such, the LHA does not anticipate a material intensification of use of the existing access. Whilst the altered limit of time to all year round will see a slight increase in trips during the existing restricted months, the additional trips generated by a single dwelling are not anticipated to be significant.

Regarding parking, the applicant proposes to retain an existing area of hardstanding. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require at least two car parking spaces. From inspection of the plans, there is sufficient space on-site for this parking demand to be accommodated, with suitable space for on-site turning. Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning.

Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process. No details regarding cycle parking provision have been provided. Cycling is a viable option in the area and the provision of cycle parking provision will help promote the use of sustainable modes of transport. The LHA requests the applicant to demonstrate secure and covered cycle parking provision in accordance with WSCC Parking Standards (2 cycles).

**Adur & Worthing Councils: Public Health:** 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.

Reason: To safeguard the residential amenity of the area in accordance with Policy 19 of the Adur Local Plan

The **Engineer:** Flood risk- The application is within flood zone 3, and is shown to be at low risk from surface water flooding but with areas nearby shown to be at high risk. The sequential and exception test should be applied and the Environment Agency should be consulted. We are hesitant to support proposals for sleeping accommodation on the ground floor in areas shown to be at risk in an undefended/ breach scenario.

Surface water drainage- the flood risk assessment includes a surface water drainage strategy which uses infiltration with an assumed infiltration rate. We are not confident that infiltration will be viable here given the areas susceptibility to high, tidally influenced groundwater in the winter months. It may be discharge to ordinary watercourse is required, although the feasibility of this is questionable. It should be noted that prior consent is required for discharge to ordinary watercourse. If you are minded to approve this application please apply conditions to ensure the development is adequately drained and does not increase flood risk elsewhere

**Planning Policy:** The site lies outside of the BUAB and is therefore countryside in planning policy terms. (However the site is not part of the Local Green Gap). Policy 13 therefore applies, as does policy 26 which relates to the visitor economy and requires that visitor facilities should be sensitively designed and minimise impacts on the environment.

Given that the permanent mobile homes use has been in place for some time, I do not consider that this proposal will generate a level of activity which would result in an adverse impact on the area. Similarly, given the precise location of the current mobile home, grouped with existing buildings/ hardstanding, I have no concern about the proposed increase to the footprint of the building.

Regarding the amount of time the bungalow can be occupied, I understand that the caravan park itself is already operational all year; again I cannot see there will be an adverse impact resulting from occupation of the bungalow for 12 months per annum consistent with, and to support, the use of the caravan site. However, to ensure the use of the bungalow remains linked to the operation of the park, I would agree with and support the use of a s106 to this effect, to ensure that the property cannot be used independently.

I note the references to river and tidal flooding in the supporting statement; however you must also be satisfied that groundwater issues have been adequately taken into account (policy 36). The FRA should adequately assess what the risks to the proposed development are across its lifetime, taking into account the impacts of climate change.

In addition it is unclear what the proposed surface water drainage strategy would be should soakage testing show infiltration is not suitable in this location.

There is no policy objection provided that you are satisfied the requirements of policy 36 are met.

**Environment Agency:** No objection, provided that the following condition be attached to any planning permission granted:

The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated August 2022) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.07 metres above Ordnance Datum (AOD).
- First floor levels shall be set no lower than 5.70 metres above Ordnance Datum (AOD).
- All sleeping accommodation must be at the first floor level or above.
- Flood resilient design shall be implemented up to 5.41m AOD.

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

**Southern Water:** The Environment Agency should be consulted directly by the applicant regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation.

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

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.

**Lancing Parish Council:** No objection

## **Representations**

48 letters of support received from local residents and businesses plus users of the campsite.

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policy 13, 15, 18, 19, 20, 26, 34, 35, 36

Sustainable Energy SPD (August 2019)

Adur Planning and Climate Change Checklist (June 2021)

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

National Planning Policy Framework (July 2021)

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

## **Relevant Legislation**

The Committee should consider the planning application in accordance with:

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

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

## **Planning Assessment**

### ***Principle***

The site lies outside the built-up area and is in the countryside. Policy 13 states:

*“Outside of the Built Up Area Boundary (as shown on the Policies Map), development will only be permitted where the need for a countryside location is essential; it is for quiet informal recreation or the essential needs of agriculture or horticulture, flood management, or is otherwise consistent with this Local Plan (or subsequent DPDs). Improvements to green infrastructure, including enhanced pedestrian, cycle, and equestrian access (where appropriate), and better access for those with mobility difficulties will be supported. The extension of isolated groups of buildings or the consolidation of linear or sporadic development will not be permitted.”*

Policy 26 relates to the visitor economy and states:

*“The visitor economy will be promoted through the provision of new facilities including visitor accommodation, in locations with good public transport access and within the Built Up Area. Access (including new public rights of way and slipways) to the river, the coast and the South Downs National Park should be improved where possible. All proposals for visitor facilities should be sensitively designed so as to minimise impacts on the environment.”*

The NPPF states that *“planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside”* (para 80)

It supports the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings (para 84). It also supports sustainable rural tourism and leisure developments which respect the character of the countryside (para 84).

It goes on to state that:

*“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”* (para 85)

This proposal is for a permanent dwelling within the countryside and does not strictly comply with the aims of Policy 13. However, the site is an existing campsite and is well supported locally. The nature of the use is that it is within the countryside and, taking account of the general desire to encourage tourism and recreation, it is considered that, in principle, a permanent dwelling is warranted here, subject to consideration of its impact on the visual amenities and character of the area. The permission for the mobile home has established a semi-permanent residential use on the site and, taking into account the arguments put forward by the applicant, it is considered that an all-year round presence is now justified, provided any flood risk concerns can be overcome. This is discussed in more detail later in the report.

If approved, it is considered necessary to tie the dwelling to the campsite by way of a legal agreement to ensure that it is only occupied by the owner of the campsite in order to prevent future pressure for further dwellings in this location. The applicant has already agreed to this and, indeed, it was suggested by them within the application.

### ***Visual amenity***

The dwelling would replace the existing mobile home in the same position. It would be sited on an area of hardstanding at the entrance to the site on its northwestern boundary. The site is screened to some extent by a hedge along the frontage but the new dwelling will be 1.3m taller than the mobile home and will be more visible from the access road. The increased height is necessary in order to raise the sleeping accommodation above the level of flood risk at 5.7m AOD. Its height has been kept to a practical minimum though by lowering the eaves height and providing first floor windows as dormers set on the eaves. The eaves height is 4.1m.

The building will be located within an area of sporadic development but the dwellings that exist are relatively large and the proposed dwelling at this site will not appear unduly out of character or scale with other buildings in the locality.

The design of the building, with the use of local stock bricks, flint panels and a slate roof, with chimney, results in a sympathetic form of development which is considered to have an acceptable visual impact in this countryside location. It will have a small flat roofed area on the top of the roof as a result of the need to keep the ridge height as low as possible. Solar panels will be installed on this part of the building.

### ***Residential amenity***

The proposed dwelling has a floor area of 130sqm and comfortably exceeds the minimum national housing standards.

It is not positioned in close proximity to neighbouring dwellings, being over 50m from 1-5 Stable View to the west and even further from Willowbrook Park to the south. It is not considered therefore that the proposal will harm the amenities of existing residential occupiers.

### ***Flood risk - Sequential and Exception Tests***

The site lies within an area at risk of flooding (zone 3a) and previous proposals for a permanently sited mobile home on the site have been objected to by the Environment Agency due to the risk to human safety during a flood event.

The current permission limits occupation of the mobile home to between 1st March and 31<sup>st</sup> October, thereby avoiding the winter months when flood risk is higher. The applicant now wishes to have an all-year round presence on the site for the reasons referred to earlier in this report. The site is believed to be fully defended from flood but, because of the potential flood levels in an undefended scenario, the sleeping accommodation must be provided at a minimum height above the undefended flood level of 5.41mAOD. A Flood Risk assessment has been submitted which states that:

*“it is proposed to set the ground floor level at 3.07m AOD. Flood resilience measures will be incorporated from ground floor up to the flood level of 5.41m AOD. The first floor level will be set at a minimum of 5.7m AOD.”*

The Environment Agency has confirmed that it has no objection to these details subject to a condition to secure their implementation.

As the site lies within an area of flood risk the NPPF requires sequential and exception tests to be carried out in order to demonstrate that there are no alternative sites available within areas of lesser flood risk. In this case, with regard to the sequential test, it is difficult to argue that there are better alternative sites available when the need for the dwelling is on site in order to provide 24 hour security and assistance. The applicant has provided evidence of an increasing number of motor homes using the site during the winter months. The number of motor homes is currently limited by the applicant due to the lack of any current on-site presence during the winter but his intention is to increase the numbers, possibly up to the maximum permissible of 25 any any one time, should he be allowed to live on site permanently.

With regard to the exception test, Paragraph 164 of the NPPF states that:

*“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.”*

Para 165 goes on to state:

*“Both elements of the exception test should be satisfied for development to be allocated or permitted.”*

In this case, the development will reduce flood risk compared to the current situation by providing a flood resilient dwelling which will be safe for its lifetime, based on current predicted undefended flood levels. The provision of a tied dwelling on the site will also help to secure the use of the site for camping and caravanning in the foreseeable future to the benefit of the wider community. Several letters of support have been submitted in this respect, including details of sponsorship provided by the caravan park to local groups, such as Worthing College Rugby Academy, and charity events.

There have also been letters of support from numerous local businesses who benefit from holiday makers in the area and the revenue that creates for Lancing in particular. The campsite has also won awards from camping organizations.

Your Officers are therefore satisfied that the provision of a permanent dwelling on the site is justified and that an exception can be made due to the wider sustainability benefits to the community through increased tourism and recreation in the area.

## **Sustainability**

The Design and Access Statement sets out a number of energy efficient and sustainable proposals for this development. It states:

*“A huge opportunity exists to reduce the energy usage of the campsite by improving the construction of the proposed bungalow over the existing permanent mobile home. Within the construction of the proposed bungalow we intend to:*  
*Super insulate the building within the external envelope*  
*Use triple glazed windows and doors*  
*Use an air source heat pump to provide heating and hot water*  
*Use underfloor heating (which is the most efficient way of heating a house)*  
*Use Mechanical Ventilation Heat Recovery as a means of ventilation*  
*Use a wood burner so that wood gathered through land management can be used as fuel.*  
*Use the highest standard of efficiency in appliances such as fridges etc.*  
*Use photovoltaic panels to collect energy from the sun that can be stored within a battery to provide power for the air source heat pump.”*

It is considered that the development will achieve a good level of sustainability.

## **Recommendation**

Subject to the completion of a s106 legal agreement tying occupation of the dwelling to the Barn Caravan Park:

**APPROVE**, subject to the following conditions:-

1. Approved Plans.
2. Standard time limit.
3. Details of materials to be agreed.
4. Construction Management Plan.
5. 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.
6. 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. The building shall not be

- occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
7. The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.
  8. Cycle parking to be provided.
  9. Energy efficiency measures to be installed as per submitted details in Design and Access Statement.
  10. The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated August 2022) and the following mitigation measures it details: Finished floor levels shall be set no lower than 3.07 metres above Ordnance Datum (AOD). First floor levels shall be set no lower than 5.70 metres above Ordnance Datum (AOD). Cont/d.. 2 All sleeping accommodation must be at the first floor level or above. Flood resilient design shall be implemented up to 5.41m AOD. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
  11. Bird boxes to be installed in accordance with details to be submitted and approved.
  12. Removal of PD rights for future extensions .

6 February 2023

## **Local Government Act 1972**

### **Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

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

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

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

## **7.0 Reputation**

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

## **8.0 Consultations**

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.