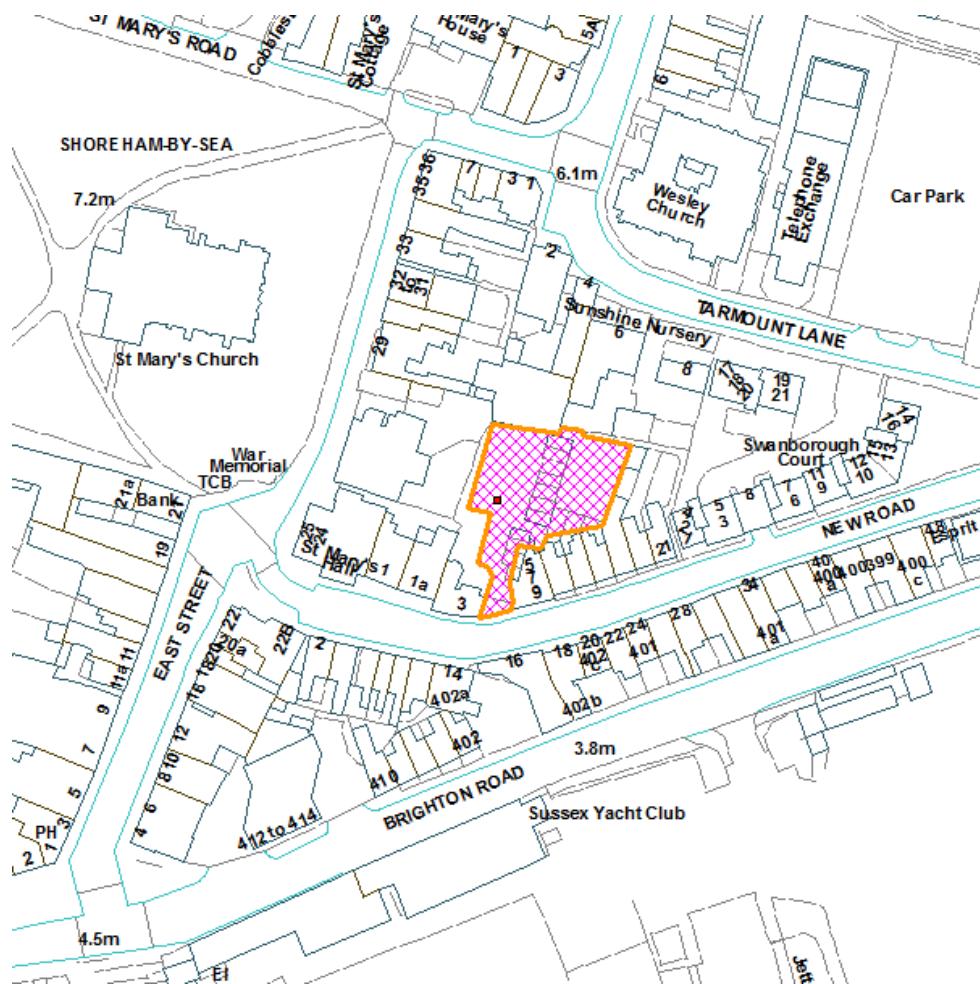


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|---------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Number: | AWDM/1492/24 | Recommendation - Delegated authority granted to the Head of Planning to grant planning permission subject to tree officer comments, any further neighbour comments and a s.106 Agreement and conditions |
| Site: | Development Site 3 To 19 New Road, Shoreham-by-sea | |
| Proposal: | Proposed 2no. semi-detached dwellings and associated landscaping and parking | |
| Applicant: | St Mary's View Developments Ltd | Ward: St Mary's |
| Agent: | St Mary's View Developments Ltd | |
| Case Officer: | Peter Barnett | |



Not to Scale

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Update since previous Committee meeting

This application was deferred at the Adur Planning Committee meetings of 2nd and 30th June. The first deferral was to seek a scheme which was less harmful to neighbours and which fitted more comfortably on the site. It had originally been recommended for approval by Officers and Members suggested that semi-detached, smaller dwellings may be preferable and with the use of angled windows and side screens to avoid overlooking.

Amended plans were received and considered at the 30th June meeting. These still showed two detached dwellings of a similar size as previously, but one of them (dwelling R6) had been rotated so that its flank wall was closer to the rear of existing terraced houses in New Road. Officers recommended refusal due to this greater impact on neighbours.

At the 30th June Committee meeting Members agreed with officer concerns but expressed general support for the redevelopment of this site, if re-siting, reorientation and reduction of plot R6 could be achieved, in order to reduce impact on residential amenities of residents in New Road. The Committee deferred the application in order to allow opportunity for the submission of further amended plans.

Amended plans have since been received which now show a pair of semi detached dwellings. These are located further north, towards the rear of the site, which increases the distance away from the rear of neighbours in New Road. The eastern-most of the semi detached pair (dwelling R6), would also have a single storey side element.

Following concerns of the tree officer about the proximity of the single storey element to an existing tree at the rear corner of the site, the plans have been further amended within the past fortnight, by a reduction in the length of this single storey. The amended plans are included in the assessment section below.

Proposal, Site and Surroundings

The application relates to land at the rear of East Street and New Road. Planning permission was granted at the end of 2023 for the conversion, extension and refurbishment of several buildings fronting East Street and New Road (AWDM/1419/23). Work is well underway and has been completed on some of the buildings.

At the rear there was previously a block of 12 garages. These have been demolished and the proposal is to construct 2no. semi-detached dwellings. The larger unit to the west (R5) is a 4 bedroomed dwelling, the ground floor of which is built up to the wall of a building in Tarmount Lane to the north. The eastern unit (R6) is smaller (3 bedrooms) and narrower, being located closer to the rear of existing houses in New Road. On the north side of R6 the ground floor is built up to the boundary wall with a children's nursery. R6 has a NE-SW orientation with the front of the dwelling facing across the front of R5 to avoid direct views towards the terraced houses in New Road.

The site lies in the heart of Shoreham, within the Conservation Area.

Relevant Planning History

ADC/0485/08 - Partial redevelopment and alterations to include conversion of upper floors of bank to 3 flats; replacement of garages to N. of bank with shop and maisonette; partial demolition of 7/9 New Road and extension and alteration to form cottage (retaining shopfront); partial demolition of 3 New Road and alteration into a two-bedroom house with rear garden; formation of two-bedroom maisonette over accessway; demolition of 12 garages at rear and construction of terrace of 4 two-bedroom cottages and 12 parking spaces (26-27 East Street and 3-15 New Road) - approved

ADC/0551/08 - Demolition of garages and shed to north of 26 East Street and block of 12 garages to rear of 5-9 New Road and partial demolition of 3-9 New Road (application for Conservation Area Consent) - approved

AWDM/1419/23 - Partial redevelopment and alterations to include conversion of the former bank premises and flat to form 3no houses; replacement of garage and outbuildings to north of bank with shop and maisonette; partial demolition of 7/9 New Road with first floor extension to form a one bed flat, retaining ground floor commercial premises and shopfront; alterations and rear extension of 3 New Road to form a 3-bedroom house with garden - approved

Consultations

West Sussex County Council: No objection from a transport/highways aspect subject to conditions to secure car and cycle parking. Comments that the existing vehicular access point on New Road will be utilised for this development. This access included widening works assessed and approved by the LHA for application AWDM/1419/23. The addition of two more dwellings would not be considered a significant material intensification of use of this access.

The proposed dwellings will be allocated two off-street car parking spaces each. From inspection of the plans, the site exhibits suitable space for cars to turn and exit in a forward gear.

The WSCC Car Parking Demand Calculator indicates that the two dwellings would create demand for five car parking spaces. As such, any overspill parking may have to be accommodated on-street. The LHA would not anticipate that the shortfall of one parking space would give rise to a highway safety/capacity concern, owing to the site's sustainable location and presence of parking restrictions nearby, but the LPA may wish to consider potential amenity implications.

Provision for the secure storage of bicycles has been demonstrated in accordance with WSCC Parking Standards.

West Sussex Fire and Rescue: Evidence is required to show that all points inside both domestic dwelling houses are within 45 metres of a fire appliance location 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, as this type of measurement is very rarely achievable due to obstructions. 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 has no objection.

The **Trees and Landscape** Officer had no objection to the original plans but had objected to a first iteration of the amended plans since 30th June. This had proposed that the single storey part of the building within the crown spread of the ash tree in the north east of the site. The amended plans have shortened the length of this part of the building. The tree officer has been consulted and considers that a distance of 4 metres to the trunk is on the very limit but can be agreed.

The **Drainage Consultant** has no objection on surface water grounds, subject to appropriate conditions.

Southern Water: No objection.

Adur District Conservation Advisory Group: Approve

Representations

Original Plans: 4 objections from 13, 15, 17, 21 New Road:

- The location, height and scale will have a negative effect.
- Loss of sky view and loss of daylight.
- The minimum distance of 22m required by the Development Management Standard will not be met, and therefore there is not a sufficient separation distance between the proposed houses and numbers 17,15,13 and 11.
- The inhabited houses will also create increased noise. We already have noise from the nursery at Tarmount Lane.
- Bulk and massing is out of keeping
- Overdevelopment
- Overbearing and harmful impact on terraced houses to south
- Loss of privacy
- Loss of tree
- Houses have limited garden space

The following should be secured, as agreed with developers:

1. Windows overlooking house numbers 11-19 New Road should have opaque glass
2. There should be no balconies or flat roofs which could be used for leisure purposes.
3. Drains and other services to 11-19 New Road should not be affected nor should any new services pass through the land belonging to Nos 11-19 New Road.
4. The apple tree should not be removed.

5. The issue of loss of light should be investigated.
6. No work involving machinery/noise should take place before 8am or after 5pm on weekdays or at all on Sundays.

2 letters of support from the occupiers of 12 New Road and from an unknown address

1 letter received from the operator of the children's nursery:

Eastern Plot shares a boundary with the outdoor play area at Sunshine Day Nursery (full day care nursery for children aged three months to five years).

The crown of the large Ash tree to be removed, significantly overhangs the children's play area. During its removal the contractors must liaise with the nursery to ensure the safety of the children.

Also during the construction phase I would ask that the contractors be mindful of the children playing outside (language, loud music etc), and also warn the nursery of any hazardous activities (dust, use of hazardous chemical products, noise, heavy lifting etc) taking place near the boundary wall, which may impact the welfare of the children and staff.

I also note that the plans and elevations showing the nursery buildings are out of date and do not reflect changes following development of the site granted under AWDM/0463/19.

Amended Plans (those considered at 2nd June Committee meeting): 3 letters of objection received from the occupiers of 13, 15 and 21 New Road:

- The revised plans do not seriously address the issues & objections raised previously.
- They remain an overbearing & anti-social overdevelopment in a very limited space for two large houses.
- Overlooking
- Nearest house much closer than the 22m specified in Council's Standards
- Concerned that permitted development rights will result in house being extended closer to terrace
- Limited garden space for house R5
- Apple tree not shown on plan and is replaced by a bike shed
- Unclear where new trees will be planted and what species
- Lack of detail about drainage and ASHPs

4 letters of support received from the occupiers of 13 and 18 New Road, 12A East Street, 7 Gordon Road:

- The work done to date has improved what was previously a derelict and unused area.
- The development is tasteful and respectful and time has been taken to upgrade the environment.
- I look forward to a similar view at the bottom of my garden which currently is a grass wasteland.
- The style of the build to date is one of enhancement, not just for the sake of a

build but a great improvement to what was there before.

- A sensitive development of an appropriate scale for the centre of town.
- The developer's other work at this location has made a very positive contribution. Previously empty buildings are being renovated with care and attention to high standards, and retaining original features.

Amended Plans considered at 30th June meeting: 3 letters of objection received from the occupiers of 13, 15 and 19 New Road:

- The scheme has not been positively re-designed or scaled back since the recent planning committee meeting.
- The proposed houses (especially R-6) are still likely to have an overbearing and domineering impact on the existing New Road terraced houses, primarily numbers 11, 13, 15 and 17.
- In terms of impact to my own property (No. 15), this scheme is actually worse than the previous version.
- None of the Committee discussion is reflected in the amended design. The houses remain large and in close proximity to the terrace. There has been no noticeable change in proposed building scales.
- Does not comply with Council's policies
- The footprint of R-6 has been rotated so that it has more of a side on relationship with the terrace, but it is still only 10m distance from the nearest existing houses, whereas a requires a 14m minimum separation distance is required
- Now an increased amount of the proposed building is as near as 10m, is too close to the terrace and would have a dominating effect on existing properties.
- Concerned that permitted development rights may give future householders the right to extend even closer
- Loss of skyview and light
- Overshadowing
- Inadequate spacing between proposed houses. R6 awkwardly positioned close to boundary with R5
- Limited garden space for R5
- Lack of information about proposed materials
- Location of air source heat pumps not shown
- Impact on apple tree and nesting birds
- Smaller scale housing with greater separation from the New Road terrace is needed.
- The proposed houses remain large (for the site) and positioned too close to surrounding homes, particularly 11-17 New Road. The desire to maximise the scale of new houses should not come at the cost of causing significant and avoidable negative impact to existing neighbours

Representations on latest plans: To be reported (consultation ends on 9th September)

Relevant Planning Policies and Guidance

'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)
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (December 2024)
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.

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Planning Assessment

Principle

The site lies within the built up area where development is acceptable in principle subject to other policy considerations. In December 2024, the Government published an updated National Planning Policy Framework (NPPF 2024). This reintroduced requirements for local planning authorities to demonstrate a five-year housing land supply, regardless of the age of the adopted plan.

The Adur Local Plan was adopted on 14th December 2017. Policy 3: Housing Provision makes provision for a minimum of 3,718 net additional homes in the period 2011 to 2032, equivalent to 177 dwellings per annum. As Adur District adopted its Local Plan more than 5 years ago the Five Year Housing Land Supply Position Statement uses a housing requirement based on the local housing need that is calculated by the standard methodology set out in the PPG. Updated data on national affordability ratio was published on 24th March 2025 which has subsequently resulted in a revised local housing need (LHN) figure based on the standard method calculation. The LHN figure has been amended to 549 (previously it was 547) dwellings per annum for Adur.

In 2018, the Housing Delivery Test was introduced against which housing delivery is measured. If housing delivery is below 85% of the housing requirement over the

previous three years, a 20% buffer must be applied. The Housing Delivery Test 2023 (covering the monitoring periods 2020/21, 2021/22 and 2022/23), published December 2024, indicates that Adur delivered 81% of its requirement. As a consequence, the presumption in favour of sustainable development no longer applies; an Action Plan will be prepared, and in calculating the five-year housing land supply, a 20% buffer must be added. It must be noted that the HDT position has improved with the previous test result (December 2023) being 72%.

The revised 5 Year Housing Land Supply (5YR HLS) (2024-2029) position for Adur as at 01/04/2024 demonstrates that a total of 2,139 homes are deliverable within this period, equating to 3.2 years of housing land supply against the housing requirement figure (as set by the Standard Methodology figure) of 547 dwellings per annum plus a 20% buffer = 656 dwellings per annum.

Given that the Council cannot demonstrate a 5 Year Housing Land Supply of deliverable housing sites, this means that for decision taking, paragraph 11 d) of the NPPF applies which states:

'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

The impacts are assessed below.

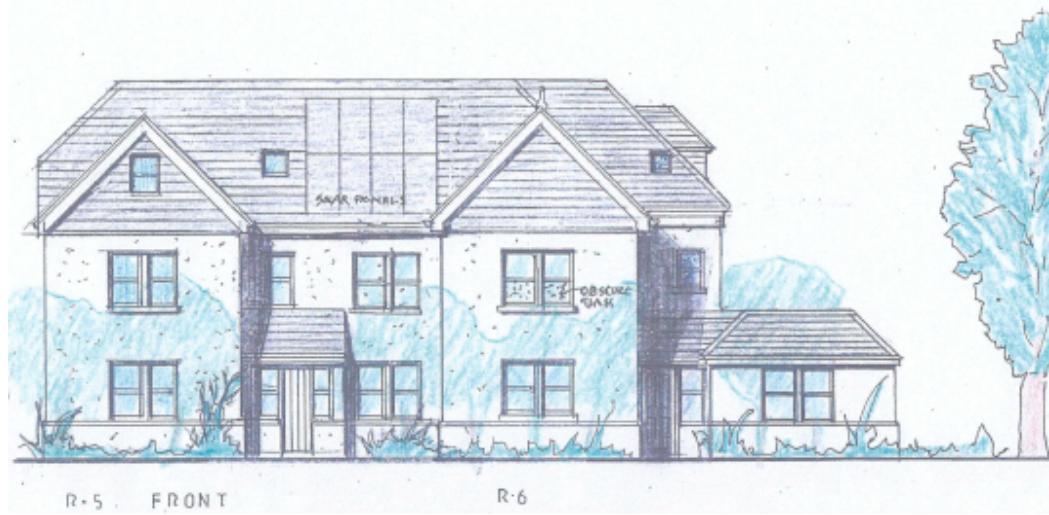
Visual amenity and impact on Conservation Area

The previous application AWDM/1419/23 (elevations and layout plans below) originally included a proposal for 3no. dwellings in this location which were to have been of a contemporary design.



Following concerns at their design and scale, they were removed from the application before its approval.

The current application now shows semi-detached dwellings of a traditional design with pitched clay tile roofs and rendered walls. They have taken their cue from the refurbished cottage at 3 New Road, which sits adjacent to the entrance to the site and which formed part of the previous permission AWDM/1419/23. There are rooms in the roof with a rear dormer for the westernmost dwelling (R5) and side and rear dormers of the easternmost (R6). Both dwellings have a tile hung gable feature at the front with hipped and half-hipped ends for the main roof, which assist in limiting overall bulk. The amended plans received following the 30th June deferral are below.



Latest Amended Plan



Layout: Latest Amendment above, previous amendment below



The previous layout considered on 30th June was considered to have an adverse impact on neighbours due to the separation distances between the side of the nearest new house (R6) and the existing houses in New Road to the south being closer than would normally be expected and the length and height of the two storey flank wall and roof resulting in an overbearing impact for those occupiers.

By combining the two dwellings into a semi detached pair, the latest set of amendments have moved the two storey dwellings further away from neighbours, with only the single storey element being 8.3m from the rear outriggers of existing New Road houses, the two storey part being approximately 12.4m away.

By making them semi-detached they now present as a continuous form and mass but with projecting elements and a non linear front elevation, the massing is broken up. The hip end roof to the eastern end of R6 assists with the perceived mass seen by neighbours, the partial hip at the western end has the same effect for neighbours to the west. The current scheme is considered to sit more comfortably within the site and, despite the size of the dwellings, their relationship with existing buildings is improved, which is explored in more detail below.

Residential amenity - for proposed dwellings

The dwellings comfortably exceed the minimum national space standards for 3 and 4 bed houses respectively.

They are shown being built up to the rear boundaries at ground floor level to maximise use of the space available and to avoid having small north facing gardens with limited light. The design shows an open plan lounge/kitchen, WC and utility on the north side of R5, with light gained to these rooms from the east, south or west, plus rooflights. R6 also has a study on the ground floor facing north with south facing lounge and a kitchen/dining room with light from the north, east and south. It is not considered that the proximity of the buildings to the north boundary will result in a poor living environment. The building to the north has a blank wall and pitched roof

and first floor rear facing windows will have an outlook above the pitched roof and will receive sufficient light.

Plot R6 has a larger garden to the south and east of the house and which also contains the retained trees. Although there is no space to the north, the overall amenity space for that property is considered to be acceptable.

Plot R5 has a smaller garden, is also positioned to the front and on the west side and to give reasonable separation to the buildings to the west. in common with R6 it also has no rear garden because of its position adjacent to the building at the rear. Nevertheless, it measures approximately 100m² overall which is generous for a town centre site and is acceptable.

Residential amenity - effect on existing dwellings

The main dwellings to be affected by this proposal are those in New Road to the south. Unit R5 faces directly towards the car park and site entrance and has less impact on residents. It also faces the newly renovated cottage at 3 New Road, but at a distance of approximately 20m which is considered to be acceptable in this location. A rear dormer serving a bedroom faces towards the blank wall of 2A Tarmount Lane and is acceptable. A rear dormer in R6 will face the blank wall of an extension at the children's nursery to the north and will not cause harmful overlooking.

In the amended plans the two storey element of R6 is being approximately 12.4m away from the rear outriggers of existing New Road houses. The closest upper window is to a bathroom. The single storey single storey element 8.3m but with a largely flat, false-pitch roof to limit its perceived mass.

The nearest window facing No. 11 serves a bedroom, with a shower room above. These would be obscure glazed and no opening part would be less than 1.7m above floor level. An east side facing dormer within the roofslope of R6 serves a landing and can be required to be obscure glazed. Overlooking between R6 and the neighbouring terrace is not therefore considered to be harmful or unduly intrusive. As mentioned, the massing is limited by the use of the hipped roofslope to the two storey part of the building and flat-false pitch roof for the single storey. Accordingly the relationship with New Road dwellings, is considered acceptable.

Removal of permitted development rights for extensions and outbuildings will also help to protect neighbouring residents in the future.

Other units within the development itself are rather close to the side of R5, particularly the proposed new flat at R4. However, the distance between the units has increased as a result of the amendments and it is now approximately 7m from the side of R5. It is not directly in line with the side of the main part of that house and instead faces towards the single storey rear extension, giving a better outlook for the occupier of the new flat than if it was in line with the main side wall.

On balance, it is considered that the previous concerns have been adequately addressed by the latest amended plans.

Trees

There are two trees on the site, a large Ash in the NE corner and an Apple in the SE corner. Both are shown to be retained and protected during the course of the development. However, the latest plans now position part of the single storey extension at the side of R6 under the canopy of the Ash. An archaeological investigation on the site (required by condition on the earlier permission) has revealed that there are no roots within the area so damage to the root system is not a concern. However, there is concern about future pressure to cut the tree back because of its proximity to the house. Issues such as leaf litter and branches falling onto the house are also to be taken into account.

The applicant has advised that works to the tree are needed and it will need to be pruned in any event, which will reduce the canopy spread so that it does not affect the house. The recent reduction in position of the single storey element of R6 relative to the tree, is intended to ensure that there is adequate space to allow for the construction of the proposed houses and to reduce the likelihood of pressure for excessive reductive pruning by future residents. The tree officer's final comments are awaited.

A condition to safeguard the tree during building works would be included if the application is approved. The site is within the Conservation Area and any future tree works after this would require advance notification to the Council.

Accessibility and parking

8no. parking spaces are shown within the centre of the site, to serve the new dwellings subject of this application and those units approved under the previous permission. Being a town centre site in a sustainable location, close to public car parks, bus routes and the railway station, the level of parking is considered to be adequate. There are no highway objections to the proposal.

The final position of the bin and bike stores can be reserved by condition if approved.

West Sussex Fire Service has asked for evidence to show that all points inside both domestic dwelling houses are within 45 metres of a fire appliance location. The applicant has accepted that there will be a need to install a domestic sprinkler or water mist systems to both properties. A planning condition is recommended.

Flood risk and surface water drainage

A Sustainable Drainage Assessment has been submitted with the application which proposes a mix of rainwater harvesting, permeable paving and soakaways to attenuate surface water run off. The Council's Drainage consultant has no objection subject to final details being reserved by condition.

Sustainability and energy efficiency

The submission of details of energy efficiency measures are to be reserved by

condition. The other parts of the development already underway have installed air source heat pumps and it is considered that this is a viable option for these 2 houses. The latest plans also show the provision of PV panels on unit R5.

Ecology and biodiversity net gain

A biodiversity gain plan has been submitted with the application which states that 6no. new trees will be planted and new planters will be provided with native plants within the site. However, BNG cannot be provided within private gardens and off site provision will need to be secured by way of a Habitat Management and Monitoring Plan and legal agreement if permission is granted.

In terms of on site biodiversity enhancement, the site formerly comprised large areas of hardsurfacing and garaging and these will be replaced with gardens and planting. Final details should be secured by condition if approved. These should include the provision of bird and bat boxes to further support biodiversity.

Conclusion

This remains a finely-balanced case. It has been subject to much negotiation and amendment in order to address the inherent difficulties in developing a compact backland location and the proximity of existing dwellings. It is considered that the latest plans have resulted in a scheme which has less impact on neighbours in terms of bulk and overlooking and is considered to be acceptable in visual terms.

Paragraph 11(d) of the NPPF provides that permission should be granted where the relevant policies are out-of-date unless there is a clear reason for refusing permission, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this case, there are clear benefits of providing two new homes and it has been demonstrated within this report that the amended layout has overcome the previous concerns with regard to harm to existing residents. Consequently, the proposal can now be supported.

Recommendation

That delegated authority is granted to the Head of Planning to grant Planning Permission subject to:

- a. receipt of comments from the tree officer**
- b. consideration of any further neighbour comments received**
- c. the completion of a s106 Agreement to secure off-site provision of BNG**
- d. conditions, to include those detailed below: -**
 - 1. Approved Plans**
 - 2. 3 year time limit for commencement**
 - 3. Materials to be approved**
 - 4. Construction Management Plan**

5. Tree protection measures to be in place
6. Removal of PD rights Class A-E
7. Obscure glaze bathroom and shower rooms windows, unopenable to 1.7m
8. Obscure glaze east facing dormer window to Unit R6, unopenable to 1.7m
9. Landscaping to be agreed
10. Details of biodiversity enhancement to be agreed
11. Final details of sustainable energy provision to be agreed
12. Details of bin and bike stores to be agreed
13. Dwellings to be fitted with a domestic sprinkler or water mist system in accordance with details to be agreed
14. Surface water drainage details to be agreed
15. Any other appropriate conditions