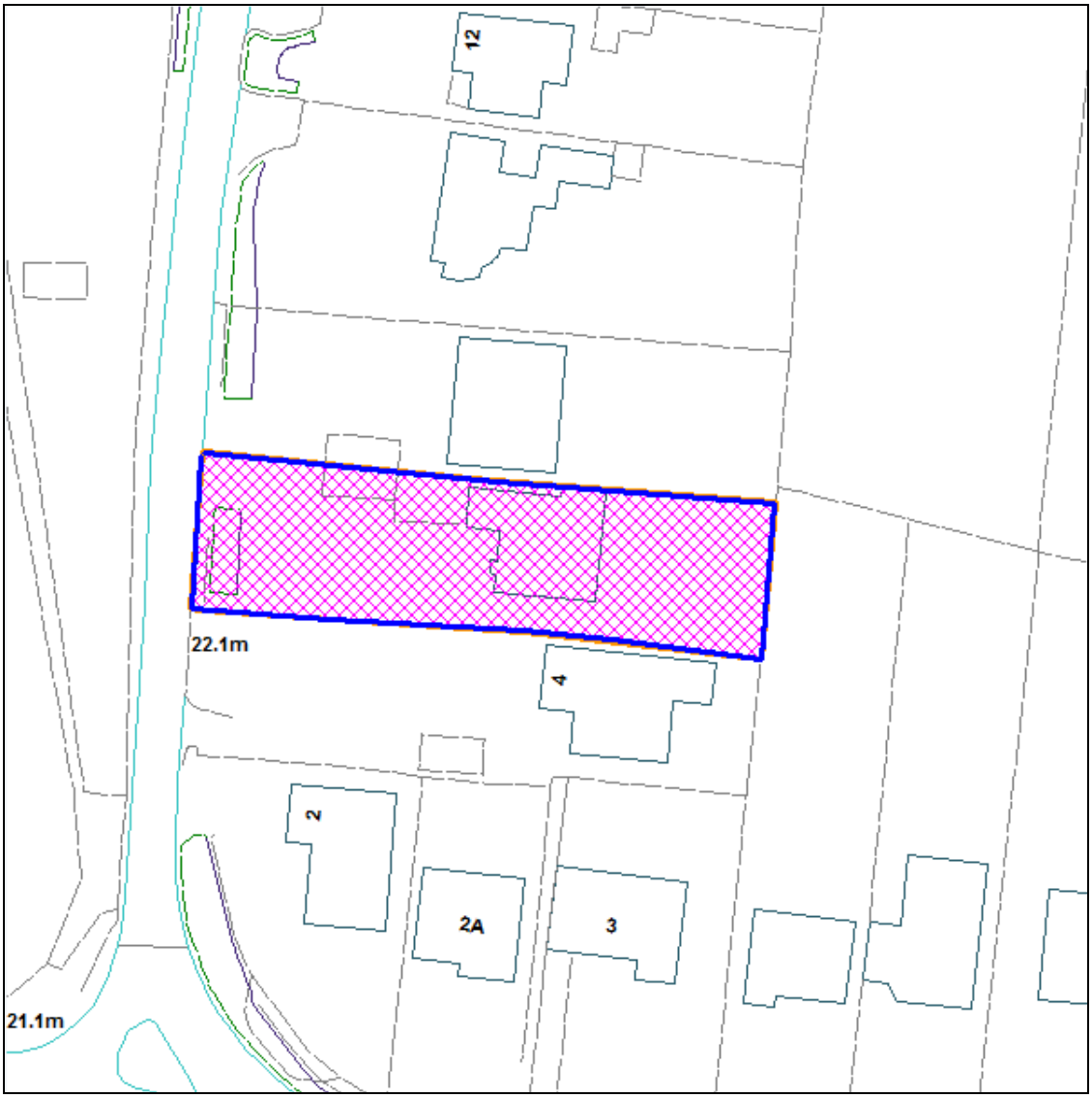
Application Number: AWDM/1384/17 **Recommendation – CONTEST THE APPEAL**

Site: **6 Mill Hill, Shoreham-by-Sea, BN43 5TH**

Proposal: **Variation of conditions 1, 3, 4, and 7 of AWDM/0927/16. Amendments include changes to landscaping, drainage, retaining walls and parking layout (part retrospective).**

Applicant: Mr and Mrs Fowler Ward: Buckingham
Case Officer: Eve Hearsey



Not to Scale

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Current Situation

The applicants have exercised their right to appeal against the non-determination of the application within the statutory time limit. The application will therefore now be decided by an Inspector. The Council is entitled to indicate, however, whether it would have granted permission for the application submitted (and so in effect there would be no necessity to contest the appeal) or if the application would have been refused in which case the Council can contest the appeal in the normal way.

Site Surroundings and Proposal

The application relates to a 2 storey dwelling on raised land. The application has undergone development to extend the dwelling and also to provide a subterranean double garage; garden beds and a large forecourt area for car parking.

The constructed works that have been commenced on site were initially started without the benefit of planning permission, and following negotiations a retrospective planning permission was gained for works undertaken and for new works. However, the next phase of construction was not in accordance with the planning permission.

The current application thereby seeks permission to vary the conditions on the previous approval, AWDM/0927/16. The particular conditions sought to vary are:-

Condition 1: Development to be carried out in accordance with the approved plans

Condition 3: The materials and finishes of the external face wall of the garage building hereby permitted shall completed in painted render and the flat roof constructed with a Sedum roof as shown on approved drawing 1567-136C unless otherwise approved in writing by the Local Planning Authority.

Condition 4: Notwithstanding the time limit for implementation set out in condition 2, within 6 months of the date of this permission Planting Beds 1 and 2 shall be constructed and completed in accordance with the positions, levels, sections and external finishes shown on the approved plans and shall be planted in accordance with the Specification for Landscape Works submitted on 17.11.2016. Planting Beds 1 and 2 shall thereafter be retained at all times and 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 in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Condition 7: Details of a scheme for dealing with surface water run-off within the site based on the details shown on approved drawing no: 1567-138B and comprising:-

- A drainage plan showing all drain runs including the one to the property boundary;
- A section through the 'storage cells' showing surrounds and invert levels of all pipes; and

- Calculations based upon soakage test results, that size the storage system based on the appropriate rainfall data, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved surface water drainage scheme shall be carried out and completed prior to first use of the double garage hereby permitted.

Reason: *To ensure adequate provision is made for draining surface water run-off within the site in accordance with saved policy AP4 of the Adur Local Plan.*

Relevant Planning History

AWDM/0927/16: Retrospective application for new entrance forecourt, retaining walls and landscaping, together with the erection of a double garage.
Conditionally Approved 30.11.2016

Discharge of condition 7 on AWDM/0927/16 (surface water) application – Refused 29.08.2017

Consultations

WSCC Flood Risk Management Engineer:

As Lead Local Flood Authority, the Flood Risk Management team would not directly comment or be consulted on a minor application such as this but would certainly agree with the Council's Engineer that it should be proved that any additional impermeable area will not increase run-off flows onto the highway and subsequently into the highway drainage system.

Adur and Worthing Councils

Principal Engineer:

1st Response
"We have no proof of what was constructed; there is no access to the crates for maintenance, but the two yard gully's are supposed to be trapped thereby catching silt. Looking at the plan the house roof drainage goes elsewhere, where would that be?

The ground levels are such that it's obvious should the silt buckets become clogged, that surface water will be shed onto the highway – that's because the property linear grated strip that should stop water shedding onto the highway has not been constructed.

The block paviours which are proposed can only be laid on sand so they won't be particularly permeable so even when the drainage is working properly there will still be an element of surface water being shed to the highway, which both WSCC and SWS will state is not acceptable

The Building Control company were not invited to site to assess the management of surface water, so could not comment on it."

2nd Response

"The calculations should be rechecked for all areas that drain to the crates which is why I asked about the roof. The approved plans 2016 are not the same as submitted.

The issue for me is simple there is no proof that the soakage test was undertaken, which means that the tank size could be wrong which means backflow onto the highway.

They have spent a lot of money on a scheme which may long term cause flooding onto the highway.

They should get an independent engineer to look at the calculations and dig up and check what's underground, and then make comments.

WSCC and SWS will want a boundary drain that will need to drain to the crates so they will need to dig up the drive to make that connection anyway."

Representations

1 objection has been received from 1B Mill Hill on the following ground:

- Preferred the already passed application and planting schedule (0927/16) as it offered a larger green area to planting bed 1 which is more in keeping with the green area of Mill Hill

2 letters of support from 4 and 8 Mill Hill raising the following points:-

- No issues with the building works to date, and have been kept informed by applicants, and am happy with the way things are looking so far and it is looking very smart in keeping with the area.

- Main concern is the wall at the road end which has been left at our ground level with a sheer drop the other side. We have young children who play in the garden daily and have a right to do so safely. To see this has been allowed to remain such a danger has upset us. If not sorted soon then we will have to put in our own fence to ensure the safety of our children.

- We have sympathy with the applicants and understand they wish to finish their driveway and for it to be attractive to all. Nobody wants to have a driveway as it currently is.

- Delays are a big inconvenience on all the surrounding neighbours.

- We share a drive with the applicants and they need ample area to get in and out of their drive quickly so as not to inconvenience us or any traffic.

- In full support with the plans, and it would be in every ones interest to get this to reach a conclusion as swiftly as possible.

Relevant Planning Policies and Guidance

Development Management Standard No.2 'Extensions and Alterations to Dwellings'
Adur Local Plan 2017: Policy 15
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Relevant Legislation

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

Planning Assessment

There is no objection in principle to the proposed extension works, subject to the effect on the residential and visual amenities of the locality.

Revisions to each condition in turn

Condition 1
This is a specific condition indicating which of the plans submitted with the application were approved. The reason for the condition is for the avoidance of doubt.

The appeal submission does not break down why the approved plans list is being appealed, or specifically which of the approved plans. Other than there are *"Changes to approved drawings."*

Comparisons between the latest submitted plans and that approved show the changes in the built form to include a wider and longer area of roof over the garage; a straighter flight of steps starting closer to the entrance door; a wider vehicular drive and car parking area.

Condition 3
This condition indicates that the materials of the external face wall of the garage be painted render and that the roof will be of a Sedum cover i.e. a plant material.

The application reasoning for not complying with this condition is that *"No sedum roof, as per revised drawings."*

The revised drawings show an 'Astroturf Roof', i.e. imitation grass made of plastic material laid onto a concrete base.

Condition 4
This condition relates to landscape planting of the site with a time stipulated for construction and completion of the planting.

The application reason for non-compliance *"Changes to approved Planting Beds, as per revised drawings."*

The revised drawings show a considerable reduction in area of the planting beds no. 1 and no. 2; and the roof of the garage. The type of plants proposed has also changed.

Condition 7
Relates to surface water run-off within the site.

The application reasoning is *"Revised drainage to reflect changes to approved drawings."*

No plans/details submitted with the application other than a plan which indicates an '8 x Aquacell module 1000 x 500 x 400.' With additional notation stating 'Invert 0.9.00' No sections or explanation of the 'Cells' provided.

Analysis of each condition in relation to effect on residential and visual amenity

Condition 1
The application as submitted did not give any written assessment of what works had been carried out without planning permission and why the changes occurred or indeed any explanation as to the consideration of the changes on the site or its neighbours.

The Local Planning Authority assessment:-

a) *Steps*: Because of the enlarged roof area over the subterranean garage, both in width and in length, it is clear that the result of the enlarged roof meant that there was not enough room for the formerly approved curved steps. It is not considered that the loss of the curve on the steps have a negative impact on the site or the greater residential area.
b) *Enlarged roof of garage*: Again no explanation for this, but it has created a much larger area of concrete. The roof of the subterranean garage was to have had a Sedum roof, which would have created not only a green area of planting which would have benefited the character of the site and therefore the locality, but would have contributed a little to the easement of some of the surface water drainage situation on/from the site. The roof area will now be covered by plastic turf. It is unclear whether this area in intended to be used as an extended terrace. The pre-existing garden land would have been approximately the same

height as the garage roof as built, which could have been used as amenity space for the occupants; indeed the neighbour at no. 4 uses the front garden as its main amenity area. Therefore, on balance, it would not be unreasonable for the garage roof area to be used as amenity space.

c) *Landscaping:* The limited area for landscaping is disappointing, as this once lush garden has been greatly diminished to consist of 2 no. small pockets of landscaping following the engineering works that took place without the benefit of planning permission. The former landscaped embankment and resulting sense of enclosure contributed to rural character of Mill Hill which the planning permission granted under AWDM/0927/16 sought to address by reinstating large planting beds within retaining walls. The current proposal would result not only in a larger area of hard-standing but the site frontage having a substantially more open feel to it and a more suburban appearance.

   The choice of plants proposed, which are not native species, will also add to the more suburban appearance. However, it is inevitable that a very large concrete frontage which faces west will increase heat generation on the site and in the circumstance thereby wise to plant the frontage with the identified heat-tolerant plants.

Condition 3

No reasoning has been given for the loss of the Sedum roof or the greater expanse of concrete area. Whilst a regressive step from a sustainable design point of view, the proposal to use artificial turf on the garage roof will not result in unacceptable visual harm to the neighbours.

Condition 4

As stated above, the inclusion of soft planting on the site was considered imperative to safeguarding the visual character of Mill Hill. It was felt that because of the fact that the site was originally a lush green, landscaped site, that following the unauthorized engineering works which removed a large amount of soil from the frontage, the visual effect combined with the large area of hard-surfacing had the potential to appear overly austere and 'built-up' in appearance. Following discussions over a period of time drawings were secured which showed replacement landscaping in large beds which it was considered would go a long way to restoring some of the character of the site. The applicants no longer wish to implement that landscaping scheme but now propose smaller beds with different planting, leaving a larger space available for parking vehicles.

The current scheme does offer some landscaping contribution, albeit diminished compared to the former approved plan. It does, however, show planting bed 1 extending across the front of the site (whilst maintaining a visibility splay) which would help reinstate a sense of enclosure fronting Mill Hill and, once the planting has become established, will help screen the large area hardstanding behind it in views from Mill Hill. Judging from the letters of representation received, it would seem that the occupiers neighbouring properties do not take issue with the diminished landscaping or indeed type of planting, proposed. Therefore, on balance, the scheme is reluctantly considered acceptable.

Condition 7

The substantial loss of soil and planting from the site combined with the introduction of a large hard-surfaced area has given rise to concerns about surface water drainage. In particular, with the site being on raised ground there is concern that the surface water run-off from the site would likely run off the site and continue down-hill raising concerns about the risk of surface water flooding on the road and potentially affecting properties lower down the hill.

The Councils Engineer considers that it is imperative that a robust surface water drainage scheme is provided on the site to prevent water escaping onto the highway and potentially properties down the hill.

The Applicants submitted details of a surface water drainage scheme pursuant to condition 7 of AWDM//0927/16 but the Councils Engineer was not satisfied that what had been submitted would work in practice. His comments were forwarded to the Applicants but no response received until the submission of this latest application.

It is understood a surface water drainage system scheme has already been put in place on the site. Consultation with the Council's Engineer on the submitted details has led to the comments set out earlier in this report.

Enquiries have been made with the private building control company that oversaw the works undertaken on site. They replied that they received Notices only for the double garage and extension, none of which related to on-site surface water drainage.

The Councils Engineer comments:- "*The issue is simple, there is no proof that the soakage test was undertaken, which means that the tank size could be wrong which means backflow onto the highway. They have spent a lot of money on a scheme which may long term cause flooding onto the highway. I would be happy if they were to get an independent engineer to look at the calculations, dig up and check what's underground, and then make comment. If you ask WSCC and SWS they will want a boundary drain that will need to drain to the crates so they will need to dig up the drive to make that connection anyway."*

WSCC Flood Risk Management have been asked to comment on the possibility of surface water draining from the site, and have confirmed that the surface water from the site must not drain onto the highway. They support the view that it should be proved that the additional impermeable area that has been created will not increase flows onto the highway and subsequently into the highway drainage system.

Summary

Although the proposed amendments to the layout of the site frontage involving the enlarged area of vehicle hardstanding, the use of artificial turf on the garage roof, smaller landscaping beds and altered planting scheme are not an ideal solution it is considered the changes to Conditions 1, 3 and 4 could be accepted, albeit with some reluctance.

However, based on the submitted details, the proposed drainage scheme apparently in situ cannot be agreed owing to the potential flood risk implications for the wider area arising from the potential for increased surface water run-off from the site. The amendment to Condition 7 is therefore not supported.

Recommendation had the Council been in a position to determine the application:-

REFUSE for the reason:-

1. By reason of the inadequate information relating to the surface water drainage scheme together with absence of proof of a scheme that has been installed on the site, the Council cannot be satisfied that the enlarged expanse of impermeable area on the site would be adequately drained and would not lead to increased risk of surface water flooding off site. The proposal to vary condition 7 of AWDM/0927/16 is thereby contrary to Policy 15 and Policy 36 of the Adur Local Plan 2017.

19th February 2018