Development Management – Delegated Officer Report

Application Number: AWDM/0012/24 Recommendation: REFUSE

Site: 41 Overmead, Shoreham-By-Sea, West Sussex

Proposal: Proposed end-of-terrace two storey building with rear dormer to provide 1 x 2 bedroom flat and 1 x 1 bedroom flat. Revision to include the omission of 2 parking spaces (Resubmission of application AWDM/1027/23)

Date of Site Visit: Visited when assessing AWDM/1027/23 withdrawn application.

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is an end of terrace, two storey property which has recently been refurbished and has a loft conversion with rear flat roof dormer. It is in Shoreham close to the town centre. The surrounding area is residential with a variety of different styles of dwellings. There is a garage associated with the development in a nearby garage block and a small front and rear garden. The dwelling is at the entrance to a cul-de-sac of similar properties, some of which have off street parking and there is on street parking provision.

There is space to the side of the dwelling and consent is sought for an end of terrace two storey building with rear dormer with provision for a two bedroom flat and one bedroom flat. This has followed the withdrawal of AWDM/1027/23 which was also for 2 flats; however it entailed an additional ground floor space to the side, two parking spaces and an enclosed side garden and fencing to the property frontage. This proposal could not be supported as it represented over development and there were issues with the parking spaces and visibility splays.

The current application shows 1.5 metre fencing and hedging along the side boundary in line with the building frontage and an open plan lawn and pathway to the entrance to the flats. There is no parking provision following concerns from the Highways Authority with regards to the safety of the access near to the junction. The ground floor has been reduced with a lean to projection to the side only and no side projection. The amenity space is shared along with the front entrance, there is refuse and cycle storage available at the rear and side of the building.

Consent has recently been refused under AWDM/0080/24 for a matching two storey dwelling house the same width and design with two bedrooms, a study and bathroom at first floor and a lounge, kitchen and hall at ground floor. The parking and amenity space was laid out as is proposed with the current application. It was refused for the following reason: -

“The site lies in an area of high risk to surface water flooding. Insufficient information has been provided to satisfy the Local Planning Authority that the proposed development would mitigate the potential for increased flood risk to the site and surrounding area. The associated raising of the floor levels and ridge height would result in a feature harmful to the appearance of the terrace and overall street scene to the detriment of the visual amenity and character of the locality. The proposal is therefore contrary to Policies 15 and 36 of the Adur Local Plan, the PPG on Flood Risk and Coastal Change and the relevant paragraphs of the NPPF.”

A Flood Risk Assessment was submitted with the original application and there were objections from WSP, the Council’s drainage consultants. Following this an amended FRA has been submitted. The comments received are set out below.

Consultations:

West Sussex County Council: The Highways Authority: -

The Local Highways Authority (LHA) has been consulted on matters at this location previously under application no AWDM/1027/23, this sought for a proposed end-of-terrace two storey building with rear dormer to provide 2 x 2 bedroom flats and 2 parking spaces. The LHA consulted the area officer regarding the proposal to include off street parking in the proposed location due to the VCO being positioned in close proximity to the junction to Mill Lane. It was advised that the VCO in this location would not be approved for a license to carry out the works in the highway. This most recent submission omits the off street parking and proposes on street parking to accommodate any parking generated by the proposal. This application is supported by a Parking Capacity Survey.

The parking capacity survey was conducted as a snapshot survey on 7th November '23 at 11.30pm. At this time of day it would be anticipated that most residents parking would be largely in place and give an accurate idea of the availability during the likely peak periods affecting potential residents. The snapshot shows that the on street parking provision is only 76% used in Overmead with the adjoining Mill lane only 28% used. It was calculated that 9 parking spaces were available within Overmead to serve as an on street parking provision. The proposal for 2 x 2 bed flats would be anticipated to generate the requirement for 3 parking spaces. This has been demonstrated as being able to be accommodated by on street parking provisions in Overmead and adjoining roads. Cycle parking provisions have not been

demonstrated within the associated plans. Cycling is a viable alternative to the use of a car within the local area, for transport to local shops and amenities. The LPA may wish to condition secure and covered cycle storage alongside any approval of this proposal to facilitate this means of travel. Shoreham-by-Sea railway station is located a short walk or cycle from the site and offers sustainable alternatives to the use of a car for longer journeys.

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and there are no known transport grounds to resist the Proposal. If the Local Planning Authority (LPA) is minded to approve this application the following condition is advised.

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Adur and Worthing Councils: Environmental Health: - Private Sector Housing

No objections on PSH grounds.

Public Health:- No objection in principle to the application which is a revision of application AWDM/1027/23. Conditions relating hours of work and Construction Management Plan should be attached.

Southern Water: -Standard informatives, require consent from Southern Water for a connection.

Drainage Engineers WSP: - ORIGINAL SUBMISSION

Following a review of the submitted information, we note that the proposed site location is at a high risk of surface water flooding. Therefore, we would recommend the objection of the application until a Flood Risk Assessment is received.

Reason To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

FOLLOWING SUBMISSION OF FRA

We would recommend the objection of both applications is maintained due to the lack of safe access and egress. As stated in paragraph 44 of the PPG, ‘if the probability of inundation is high, safe access and escape should be maintained for the lifetime of the development’. Furthermore, paragraph 47 of the PPG states ‘wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc. to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention)’. Currently, there is no evidence of safe access and egress, and it is suggested that the residents of the proposed property will rely on flood warnings. However, flood warnings are significantly less effective for surface water flooding due to their rapid nature. We would recommend requesting further hydraulic modelling to develop a more accurate understanding of flood depths, durations, and velocities.

Representations

14 representations objecting to the proposal from residents of Overmead.

- No fire escape
- Dangerous hoarding impairs visibility of the road and is unsightly.
- Plans show incorrect layout at no. 41.
- Stacking is unsympathetic
- Deficient in technical standards.
- Parking concerns
- Parking survey inadequate.
- Hedging has been removed and would take a long time to reestablish.
- Other examples of terraced development are not comparable.
- Drainage issues
- Dangerous corner, highway safety issues.
- Overdevelopment not suitable for flats.
- Issues for visibility and pressure on parking.
- The extension is built on an open plan area when the close was originally built in 1969.
- Cottage of notable character to the rear. The proposal will dominate the view from this property.
- Flooding has occurred at the site and nearby.
- This development would add pressure to the existing sewerage system.
- There are other options to provide additional housing in and around Shoreham.

- Multiple occupancy at the attached host dwelling.
- Parking nearby will contravene the Highway Code.
- Loss of light from Lodge House to the rear.
- Copy of email to local members requesting discussion and support in relation to concerns.

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 15, 18, 19, 20, 22, 28, 34 and 36.
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 Space Around New Dwellings and Flats.
National Planning Policy Framework (December 2024)
Technical Housing Standards – nationally described space standard (DCLG 2015)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The site is located within the built up area where new development is acceptable in principle.

The Adur Local Plan was adopted on 14th December 2017. Policy 3 sets out the Housing supply over the period 2011-2032 and gives a total figure of 3718 (an annual target of 177 dwellings per annum).

The five year housing land supply position for the Adur Local Plan area, measured against the 2023 Standard Methodology figure for Adur of 448 dwellings per annum, and incorporating a 20% buffer as a result of the Housing Delivery Test 2022 measurement for Adur, demonstrates a 3.5 year supply of deliverable land as at 1st April 2023. (The Housing Delivery Test 2022, published December 2023, indicates that Adur delivered 72% of its requirement, and so a 20% buffer has been applied.)

As such, the presumption in favour of sustainable development, set out in the National Planning Policy Framework, applies. This states that permission should be granted unless one one or both of two given criteria are met. Criterion (ii) states that 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. The impacts are assessed below.

The relevant issues are the effects on the amenities of neighbouring residential occupiers and future occupiers of the dwelling, the effect on the character and appearance of the area, drainage and highway matters.

Visual amenity and character

There is space available to the side of the existing end of terrace. There was a low level fence adjacent to the pavement with dense vegetation on site and adjacent to

the boundaries. The site has since been cleared and screened off. It is a prominent corner with an access road running to the rear, Mill Lane to the side, east and Overmead to the front, south. The building will be clearly visible however as a continuation of the terrace and matching in scale, materials and proportions it is not considered to be development which will be out of keeping in this case.

The building will be close to the highway, filling the space that currently exists to the side of no. 41. However spacing will still remain and a fence at 1.5 metres will be on the boundary with planting inside to give privacy to the side garden whilst softening the impact of the building on this prominent corner. The plans show an open boundary to the property frontage, this will be in keeping with the surrounding open plan frontages and opens up the site when viewed from Mill Lane on the approach to Overmead.

The proposed dormer is smaller than the adjacent, existing dormers within the terrace; it is not overly dominant and allows much of the roof slope to be visible.

Despite the building being divided into flats it will appear as a single dwelling with shared entrances. It will be in keeping with the existing pattern of development within the close. The character of the locality in this case will not be affected and the intensification of use will not represent overdevelopment. Three bedrooms in total are proposed relative to a new dwelling on balance the dwelling type is acceptable here.

Residential amenity

The proposed building will be visible from neighbouring properties, however being on the corner of the street it is not considered to cause significant loss of light or overbearing impact to adjacent occupiers. It is attached to the existing building which is currently owned and being renovated by the applicant. The submitted plans show the existing dwelling to have a living room, dressing room, shower room and bedroom at ground floor and a kitchen/dining room, bedroom and bathroom at first floor with further bedroom with ensuite in the loft. This is considered to be an unusual arrangement, there is evidence that this may be currently being used as an HMO. Planning permission however would not be required for this use but it is necessary for the plans to show the layout of the current building correctly.

The submitted plans show the new building to accommodate Flat 1 on the ground floor, kitchen, living room, bedroom and shower room. The first floor and second floor accommodates flat 2 with a kitchen/living space bedroom and bathroom at first floor and an additional ensuite bedroom in the loft. Although the stacking is appropriate here with bedrooms and living space positioned below and above there is a bedroom adjacent to living room and bathroom adjacent to bedroom in terms of how the new layout relates to the existing footprint at no. 41. As was the case when

considering the application for the new dwelling AWDM/0080/24, it would be an unreasonable request to alter the proposed layout of the flats to accommodate the unusual layout at no. 41. Therefore, on balance, the layout can be supported as proposed and this relationship would not warrant a refusal in this case. Building regulation approval will be required and therefore noise insulation will be installed between the existing and new building. The applicant's agent has also offered to accept a condition to install additional insulation beyond building regulations standard if required.

The proposed building will provide 2 flats of adequate size with ample outlook, light and amenity space. The internal space is 45 square metres for the 1 bedroom flat; this is above the 39 square metres for a single person flat and below the 50 square metres for a two person flat, this is deemed acceptable in the light of the overall provision.

The internal space is 70 square metres for the 2 bedroom flat; this meets the requirement for a two storey 3 person flat and is below the 79 square metres required for a 4 person flat. This is also considered acceptable with good light, outlook, ventilation, amenity space and refuse and cycle storage provision. The amenity space is shared and is not a requirement for flats, there is space to the rear and side. The space provided is greater than existing at some other dwelling houses within the street which have shallow, narrow rear gardens.

Highway Matters

The Highways Authority has no objection to the proposed development here. Cycle parking can be provided within the application site. No parking provision is made for the proposed flats. The vehicular access previously proposed could not be supported due to its relationship with the road intersection and this being potentially hazardous. Its removal is therefore necessary for these reasons and there is on-street parking available nearby which would not give rise to any highway safety concerns. The applicant's agent has submitted a Parking Survey showing available parking provision and this is supported by the Highways Authority.

This arrangement was deemed acceptable for the proposed single dwelling. Despite the intensification of use in this case there are no highway safety concerns in relation to the proposed development and the lack of parking provision. There is considered to be sufficient on street parking available in this case and therefore no highway safety concerns.

The site is located within a sustainable location within walking distance of local schools, shops, the railway station and local bus routes.

Drainage Matters

In terms of fluvial and tidal flooding the site is within Flood Zone 1 and within a surface water floodplain equivalent to Flood Zone 3A. Paragraph 2.13 of the submitted FRA states, “In conclusion the flood risk profile of the site is High - due primarily to the site affected by surface water flooding in the 1000yrs event which is equivalent to the 100yrs + Climate Change event.”

The site is considered to be at risk of surface water flooding as the site is on a major surface water flow path. The specialist flooding advice is that the site is unsuitable for residential development. There is considered to be threat to life and safe access and egress has not been demonstrated. Policy 36 of the Adur Local Plan as well as the NPPF require the FRA to demonstrate that the development is appropriately flood resilient and resistant, will be safe for its lifetime taking account of the vulnerability of its users, will not increase flood risk elsewhere and will where possible reduce overall flood risk. In this case such matters have not been demonstrated to the satisfaction of the Local Planning Authority.

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

Despite the measures set out in the revised FRA, concerns in relation to flood risk have not been addressed.

It is also advised that the proposed drainage strategy has not followed the hierarchy of preference as infiltration has not been considered. Furthermore, the submitted calculations use FSR date not FEH data and do not use a CV value of 1. Also that water displacement as a result of the development will increase flood risk to the site and elsewhere.

The NPPF states that “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.” This development would increase the risk of flooding elsewhere.

There has been no sequential test carried out with the proposal to provide evidence that there are no other sites available for development that are at a lower risk of flooding. The NPPF states that, “A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding.” It is considered that should such a test be applied it would fail as this site is at high risk of flooding and is not deemed suitable for residential development. Whilst other sites are available at lower risk.

Despite there being a presumption in favour of development, the harm caused as a result of flooding at the site and elsewhere and potential risk to life would outweigh the benefit of the additional residential units to contribute to current housing need within the district. The application is therefore recommended for refusal on these grounds.

Biodiversity Net Gain

The application was submitted prior to the implementation of the mandatory requirement for BNG and is therefore exempt.

Recommendation

REFUSE

1. The site lies in an area of high risk to surface water flooding. Insufficient information has been provided to satisfy the Local Planning Authority that the proposed development would mitigate the potential for increased flood risk to the site and surrounding area. The proposal is therefore contrary to Policy 36 of the Adur Local Plan, the PPG on Flood Risk and Coastal Change and the relevant paragraphs of the NPPF.

Is recommendation contrary to letter(s) of representation N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Hannah Barker Date: 4th March 2025

Authorised by: Peter Barnett Date: 4 March 2025