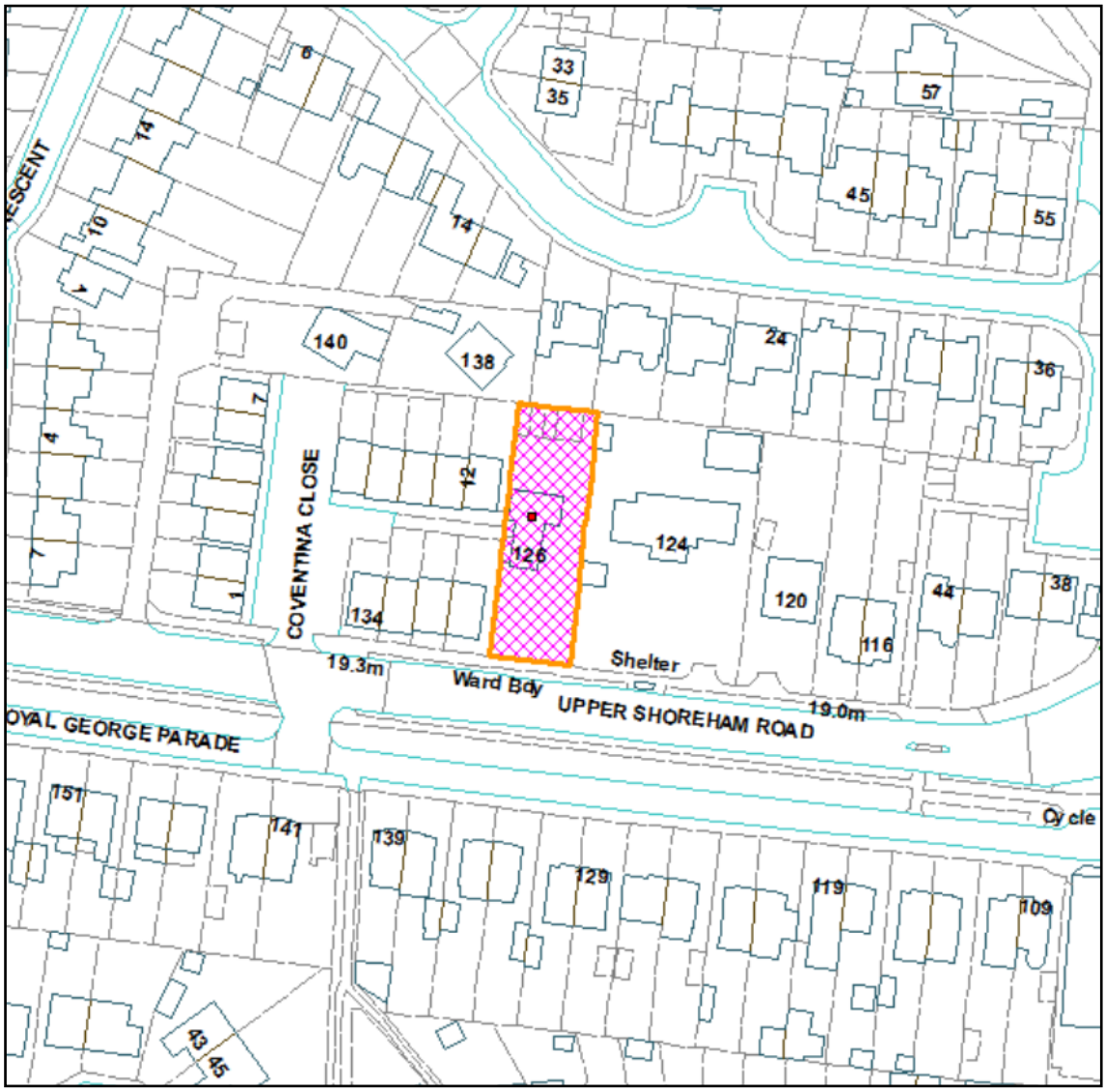
Application Number:	AWDM/0977/21	Recommendation - APPROVE
Site:	126 Upper Shoreham Road, Shoreham-By-Sea	
Proposal:	Demolition of existing house and the erection of 4 x 3 bed semi-detached houses with associated parking and bin store	
Applicant:	Mr Emanuel Abadi	Ward: Buckingham
Agent:	Mr Jon Turner, Turner Associates	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the demolition of the single existing dwelling on the site and its replacement with 4 x 3 bed semi detached houses, arranged in a tandem style of 2 pairs with their gardens backing onto each other, hence the front of the pairs face south (to Upper Shoreham Road) and north (to Rosemary Drive) respectively.

The dwellings would each provide just over 90 square metres in living accommodation and 4 parking spaces would be provided to the rear of the site. Each of the dwellings would include a small pitched roof dormer in its southern roofslope.

The application was submitted in May 2021 but its determination was delayed for some time while survey work was undertaken to establish that a sewer running across the site is now redundant. Amended plans have also been received during the determination of the site.

The application site is on the northern side of Upper Shoreham Road and consists of a single dwelling which is screened from the road by hedging to its front boundary; some further screening within the site appears to have been removed in recent years.

To the east is a former garage/car sales business which was redeveloped via a permission granted in 2013 for 16 dwellings. To the east is 124 Upper Shoreham Road, which is the largest plot in the immediate vicinity and comprises a chalet style dwelling with a number of dormers in its roofslope. Immediately to the north of the application site are residential dwellings in Rosemary Drive while to the north west are 2 chalet bungalows in a backland location accessed via Upper Shoreham Road to the west of the neighbouring site.

Relevant Planning History

ADC/0387/07: Proposed demolition of 2 chalet bungalows at No's 124 and 126 to be replaced by a development of 26 No.1 bedroom flats (outline application) - refused

Consultations

Environmental Health

The site is flagged as a former garage and potential land contamination will require investigation to ensure the site is suitable for residential use. Construction and noise impact considerations are included in the recommendations.

Technical Services

Flood risk- The application is within flood zone 1, and is not shown to be at risk from surface water flooding. Areas adjacent to the site are shown to be at risk from surface water flooding. Surface water drainage- the application details indicate it is proposed to discharge surface water to soakaways and to utilise permeable paving. This is acceptable in principle. It should be noted that our records indicate that there may be a public foul sewer running through this property, the applicant should contact Southern Water and complete further investigations.

Southern Water

Initial comment

The proposed development will lie over an existing public sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer/water main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Further comments following the receipt of additional information

Further to our letter dated 14/06/2021 the submitted CCTV survey indicates the public sewer to be redundant. Hence, we write to request that the representation be withdrawn, and the following be substituted. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

West Sussex Highways

I refer to your consultation in respect of the above planning application and would provide the following comments.

This proposal is for demolition of existing house and the erection of 4 x 3 bed semi-detached houses with associated parking and bin store. The site is located and accessed via Upper Shoreham Road which is a C-classified road subject to 30mph speed limit.

Vehicular Access

Access to the site will be utilised through the existing access arrangements onto Upper Shoreham Road. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern. The proposed plan indicates that the driveway is approximately 4.1m wide which is sufficient for two vehicles to pass one another. A number of dwellings are already served from the access road and whilst a small rise in vehicle activities may occur, it is considered unlikely that any adverse impacts will result from this proposal onto the wider road network.

Car Parking

Onsite parking provision of 4 spaces will be provided for this development. The WSCC Car Parking Demand would expect 9 parking spaces to be provided for this development. The proposed parking bays accord with the minimum requirements of 2.4 x 4.8m as outlined in Manual for Streets (MfS) guidance. Overall, the site may result in an overspill of 5 spaces. The LHA does not anticipate that the potential

shortfall would result in highway safety concern, however the LPA may wish to assess any potential implications from an amenity perspective.

There is at least 6m beyond each parking space to enable vehicles to turn and egress into forward gear. In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments). Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition.

Sustainability

The bus stops to the east of the site (approx. 5min walk) provides frequent services to Rottingdean and within Shoreham-By-Sea. Shoreham train station is approximately 26 min walk/7min cycle. In order to promote the use of sustainable transport methods, the LHA recommends that safe and secure cycle storage is provided for the dwellings. Details of this can be secured via planning condition.

Conclusion

The 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 (paragraph 109), and that there are no transport grounds to resist the proposal.

Representations

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

- Additional noise levels' that will arise from Cars parking & the positioning & use of the Garden Waste Bins to the rear of this site
- A crying shame to see such a good & sound property having to be demolished .
- Concerns over the proposed number of parking spaces for the development, allowing only 1 parking space per household. Previous adjacent development has led to parking in Royal George Parade and the adjacent grass verges and the proposed plans will increase the issue. The parking allocation should be reconsidered to include 2 spaces per household.
- The road is only narrow and already busy with visitors to the COOP and workers from Southlands hospital due to onsite parking restrictions for them.
- The current property and buildings have no views at all into my property to the north east due to the positioning of the current buildings. The proposed development would enable at least two of the properties to view onto my property giving me a lack of privacy. There is a large tree in the corner of my property to the North East corner of 126 USR, very close to where a building is due to be demolished and any proposed development will not cause any damage to the tree or its roots.
- We believe that the proposed development for 126 Upper Shoreham Road would be grossly over-developed if planning was approved for four 3 bed properties. We would however have no objection to there being two three bed properties back to back

Objection from developer of adjoining site:

I write to you in regards to the proposed development which we had pre application discussions on in the past. I have no objections to the principle of residential development on the site and have engaged with you in the past on the matter. I STRONGLY object to the houses being built on the boundary of my adjoining properties as discussed with you at the time they should be built 2 metres away from the boundary of the existing properties.

We discussed in a positive manner extending the terrace pre construction as such to the adjoining development and to build 2 pairs of semi detached houses on the site.

However a new development should be constructed 2 meters from the border fence. I have no objections to the principle of redevelopment on the site or of the design proposed. The existing development I completed in April 2015 DOES comply with the council's planning directive and advice given to me at the time and are 2 metres from the boundary of the subject property. May I respectfully suggest that the 4 no 3 bed houses are constructed 2 Meters from the boundaries of 128 upper Shoreham road and 12 Coventina close both of which in still own.

Following the receipt of amended plans, the objector confirmed that his objections remain and considers that the footings and substructures of existing properties could be compromised by the development.

Relevant Planning Policies and Guidance

Adur Local Plan 2017
'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)

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

National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)
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 main issues are the effect of the proposal upon the visual character of the area, the amenities of neighbouring properties and highways safety and parking issues.

The immediate context of the site is set by the redeveloped site immediately to the west and, as evidenced by one of the representations, it has long been anticipated that this site would also come forward for redevelopment.

In visual terms, the current dwelling, while screened from the road, presents a somewhat awkward transition between the site to the west and the larger plot to the east partly because of its 't' shape compared to the narrower east-west orientation of the buildings surrounding the site. The redeveloped site to the west does provide an active frontage development to the west and in principle there would be no objection to further such provision to the front of the application site. Following feedback from officers, the proposed dwellings would also be lower in their ridge height than the adjoining houses to the west in order to provide a transition with the lower building to the east, and as the access drive to the application site would be on the eastern side and the neighbouring dwelling is set well back, it is considered this would comprise a satisfactory visual relationship. Similarly, the principle of a tandem development can be accepted given that a similar development is already in situ at the neighbouring site.

Nonetheless, this is a relatively tight site, and accordingly the impact on neighbouring amenity, both internally within the site itself and in respect of the existing neighbouring properties needs to be carefully considered.

During the consideration of the neighbouring site at the Committee back in 2013, it was noted that the internal window to window distances were some way below the Council's normal standards of 22 metres (around 13 metres at the closest point) but the then Committee resolved that the wider benefits of redeveloping a brownfield site (that at one time comprised a petrol station) outweighed the policy conflict and accordingly resolved to grant planning permission.

A similar policy conflict arises in respect of this application, albeit to a lesser extent than was previously approved. The internal window to window distance in respect of the proposed development is just over 16 metres and it apparent from the plans that while the layout reflects that of the development immediately adjacent to it, the distance between dwellings is greater both as a result of the precise siting of the dwellings and that those proposed under this application are slightly smaller in footprint than those on the adjoining site.

There would be some, albeit limited, space to move the dwellings further apart, but this would involve moving the dwellings further back in the plot and the overlooking distances to the properties to the rear in Rosemary Drive would then be compromised; (the layout as it stands meets policy requirements in terms of the dwellings to the north as the distance is just over 22 metres. The policy conflict, therefore, would be internally within the site which any future occupiers would be aware of when purchasing the property. There have been no complaints from the occupiers of the adjoining site regarding any policy conflicts within their own site.

Adding to the balance of considerations is that the amenities of the adjoining development to the west are likely to be improved by the proposal since the existing dwelling effectively fills the gap between the front and rear rows of properties on the adjoining site, whereas its removal and replacement with pairs of dwellings in a similar tandem arrangement will mean that the profile of the existing dwelling will be replaced by rear gardens instead.

Accordingly, while the policy conflict must be taken into account in determining the application, the context of this application is set by the adjoining development. Because of this, it is not considered that granting permission in this instance would set a precedent for development elsewhere across the District where a similar such policy conflict may arise. It remains the case that government policy encourages the efficient redevelopment of brownfield sites and there remains a housing shortage across the District, and therefore 'windfall' sites such as this are considered important in addressing such a shortage.

The developer of the adjoining site has objected to the application and considers that the proposed development should be a minimum of 2 metres from the boundary as was required on the adjoining development. This distance was required, however, primarily because of the relationship of the existing number dwelling with the adjoining site, being close to the boundary. Its removal and replacement with a tandem development would not necessitate the provision of a similar gap on the current site, which in any case would be likely to the affect the possibility of a satisfactory redevelopment of the site, given it would be unlikely that a driveway could be retained on the eastern part of the site which not only provides an access to the parking spaces to the rear, but also ensures an acceptable gap to the dwelling to the east. It is also contended that the proposed development could adversely affect the stability of the existing houses to the west but this would be a matter for Building Regulations.

A particular concern expressed by the neighbouring properties is that of parking provision. As always, this is a difficult consideration on a site where there is little opportunity to provide more than 1 space per dwelling (if the current quantum of development is considered acceptable) and the Highways Authority considers that there will be a shortfall of parking likely to increase the pressure for on street parking in the area. Despite that, the Highways Authority concludes there are no grounds to resist the proposal having regard to guidance contained within the National Planning Policy Framework which advises that refusal on transport grounds alone should be avoided when the effects on the highway network are less than 'severe'. While, in particular, there is sympathy with the residents of Royal George Parade who no doubt are already affected by parking from other nearby uses, it is not considered that a refusal could be justified on the grounds that overspill parking may occur from the development given the wider strategic government policy to encourage sustainable development within built up areas.

Accordingly, it is considered that, on balance, the application is acceptable and would provide additional valuable housing in a sustainable location.

Recommendation

GRANT permission subject to the following conditions:-

01 Approved Plans
02 Full Permission
03 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) 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. (b) A site investigation scheme, based on (a) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. (c) The site investigation results and the detailed risk assessment (b) 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. (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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.

04 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.

05 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 minimize 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 Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.

06 A scheme for protecting the proposed noise sensitive development from external traffic noise shall be 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 ProPG: Planning & Noise – New Residential Development, 2017 and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014.

07 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.

08 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose. Reason: To provide car-parking space for the use

09 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.

10 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

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 and doors, balconies, footpaths of the buildings 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

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

13 The development hereby permitted shall not be occupied until provision for refuse storage has been provided in accordance with the approved plans and details. The refuse storage facilities shall thereafter be retained for use by occupiers of the development

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

15 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.

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

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

Informatives

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