

Sequential and Exception Test for Planning

January 2025

Prepared for:

A Y Developers

Location:

Land rear of 74 Old Shoreham Road
BN15 0QZ

Our reference:

94878-Berrys-OldShorehamRd-v1



Document Issue Record

Project Details	
Project:	Sequential and Exception Test for Planning
Prepared for:	A Y Developers
Application:	Demolition of 74 Old Shoreham Road and construction of 10no. residential units, and associated works
Location:	Land rear of 74 Old Shoreham Road, BN15 0QZ
Our reference:	94878-Berrys-OldShorehamRd-v1
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1. Introduction

- 1.1. Unda Consulting Limited have been appointed by A Y Developers (hereinafter referred to as "the applicant") to undertake a Sequential and Exception Test for Planning to support their proposed development at Land to the rear of 74 Old Shoreham Road, BN15 0QZ (hereinafter referred to as "the site").
- 1.2. The Sequential Test (ST) is designed to establish whether there are alternative lower flood risk sites available that might be developed as reasonable alternatives to the proposed site.
- 1.3. It should be noted that a ST has been undertaken as part of the Sequential and Exception Test for the Proposed Submission Adur Local Plan (March 2016) for the strategic housing allocation at New Monks Farm as allocated by Policy 5 of the Adur Local Plan 2017.
- 1.4. The National Planning Policy Framework (NPPF) (2024) Paragraph 180 indicates that:

"Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again"

- 1.5. This ST has been prepared notwithstanding the ST which has been undertaken by the Local Authority as part of the Local Plan site allocations. Sites considered as part of the sequential assessment are included at Appendix A.
- 1.6. The NPPF (2024) requires that any proposed development situated within a floodplain is subject to stringent and prudent regulation – with a view to employing engineering solutions to reduce flood risk to a minimum, even under a 'worst-case scenario' flood event. As such, the development proposals are supported by a Flood Risk Assessment (FRA) (by Herrington, November 2024).

Flood Zone:

- 1.7. Figure 1 below indicates that the site is located with Flood Zone 3. This mapping does not distinguish between high-risk areas and the functional flood plain, i.e. Flood Zone 3a and 3b. The functional flood plain test undertaken by Herrington in their Flood Risk Assessment identifies the site as being located within Flood Zone 3a.

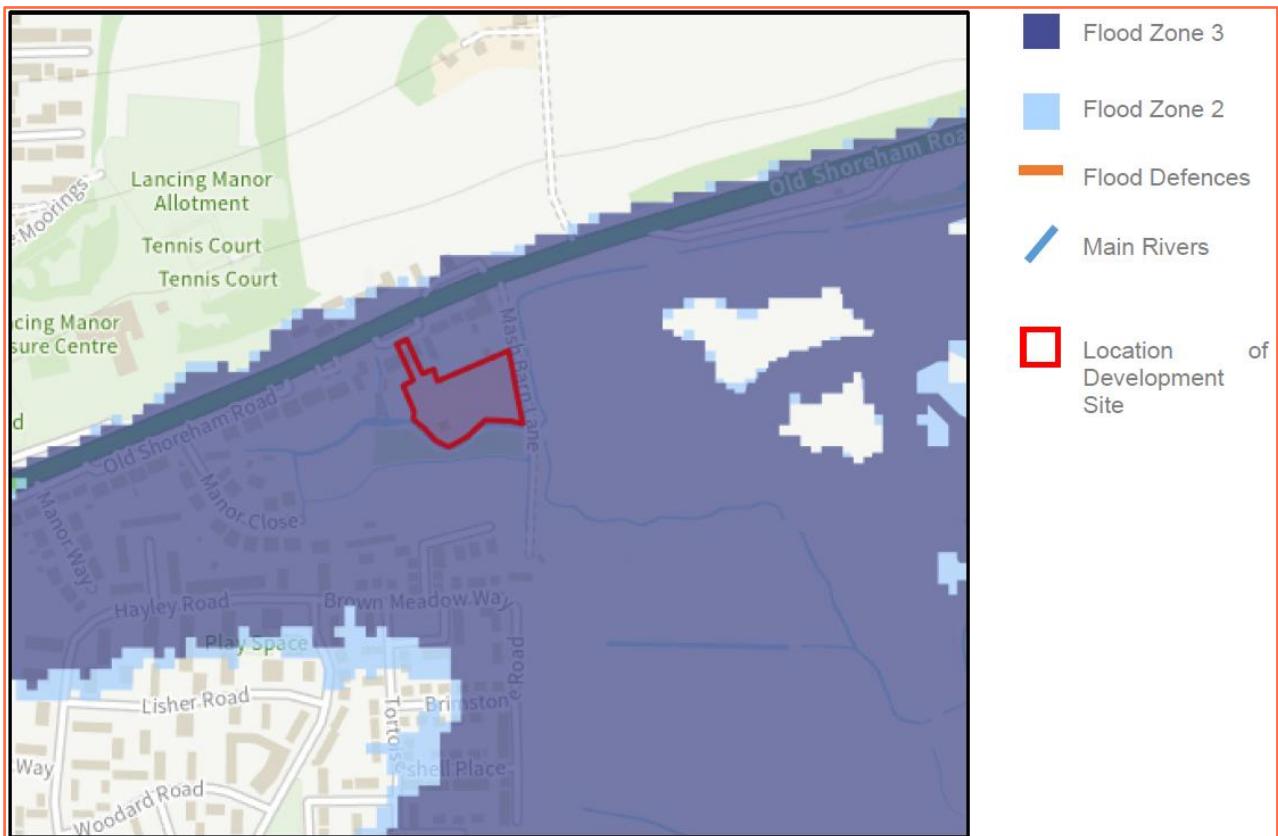


Figure 1: EA Environment Agency Flood Map for Planning (Rivers and Sea) (Source: EA; Herrington)

Existing Flood Risk Management Measures and Defences:

1.8. The FRA (Herrington, 2024) states that the introduction of the Shoreham Adur Tidal Walls Flood Defence Scheme, as well as the tidal defences and groundwater pumping infrastructure as part of the recently constructed New Monks Farm development, result in the development site now benefiting from a 1 in 300-year (0.33% AED) standard of protection.

Planning Policy:

1.9. The National Planning Policy Framework (NPPF) stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (Paragraph 178).

1.10. Local Planning Authorities (LPA) are encouraged to take a risk-based approach to development proposals in or affecting flood risk areas through the application of the ST.

1.11. The NPPF Paragraph 174 states:

"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding"

1.12. Paragraph 175 states:

"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be

located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

1.13. Paragraph 177 states:

"Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3."

1.14. The phrase "reasonably available" is key to Paragraph 174 and Government Planning Practice Guidance "Flood risk and coastal change" provides additional guidance on this.

The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.

Paragraph: 023 Reference ID: 7-023-20220825

The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- *Within medium risk areas; and*
- *Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.*

Initially, the presence of existing flood risk management infrastructure should be ignored, as the long-term funding, maintenance and renewal of this infrastructure is uncertain. Climate change will also impact upon the level of protection infrastructure will offer throughout the lifetime of development. The Sequential Test should then consider the spatial variation of risk within medium and then high flood risk areas to identify the lowest risk sites in these areas, ignoring the presence of flood risk management infrastructure.

It may then be appropriate to consider the role of flood risk management infrastructure in the variation of risk within high and medium flood risk areas. In doing so, information such as flood depth, velocity, hazard and speed-of-onset in the event of flood risk management infrastructure exceedance and/or failure, should be considered as appropriate. Information on the probability of flood defence failure is unsuitable for planning purposes given the substantial uncertainties involved in such long-term predictions.

Paragraph: 024 Reference ID: 7-024-20220825

1.15. Table 2 of the NPPF classifies Flood Risk Vulnerability for residential buildings as 'more vulnerable'. Table 3 of the NPPF shows that 'more vulnerable' developments require that the Sequential Test is passed for development to be acceptable.

1.16. Table 2 of the NPPF classifies Flood Risk Vulnerability for residential buildings as 'more vulnerable'. Table 3 of the NPPF shows that 'more vulnerable' developments require that the Sequential Test is passed for development to be acceptable. It is assumed that as Adur Council are allocating the land to meet local housing supply, that the Sequential Test has been applied and passed. 'More Vulnerable' development in Flood Zone 3 must also pass the Exception Test which is considered below.

Local Policy:

1.17. This Sequential Test has been undertaken in accordance with the current flooding guidance within the NPPF, and the Government Planning Practice Guidance 'Flood Risk and Coastal Change'.

1.18. The following Local Plan sub-text is considered relevant to the development and provides the context for the assessment undertaken as part of the site's strategic allocation.

4.124 *In assessing the suitability of sites for various uses in this Local Plan, the approach set out in the NPPF has been used to ensure that flood risk has been properly taken into account to avoid inappropriate development in areas at risk of flooding. To ensure that sites with little or no flood risk are developed in preference to areas at high flood risk, the Council has carried out, in accordance with the NPPF, a Sequential Test informed by the SFRA. The Sequential Test takes into consideration the vulnerability of the development proposed, ensuring that the more vulnerable uses are directed away from areas of high flood risk.*

4.125 *Where sites have passed the sequential test, they have been assessed against the objectives of the Sustainability Appraisal to determine whether the sustainability benefits to the community outweigh flood risk as part of the Exceptions Test. The sites that demonstrate these wider benefits and have also shown, under Part 2 of the Exception Test, that flood risk on the site can potentially be managed without increasing flood risk elsewhere have been allocated in this plan. Further detail regarding the management of flood risk would be required at the planning application stage where the developer would be required to produce a detailed site specific Flood Risk Assessment.*

1.19. The Local Plan is clear that both the Sequential Test and Exception Test have been applied and passed for sites allocated by the Local Plan.

2. The Sequential Test

Guidance:

2.1. The Government Planning Practice Guidance "*Flood risk and coastal change*" was referred to for guidance regarding the selection of the Sequential Test Study Area. The paragraph below is an extract from the section "How Should the Sequential Test be applied to planning applications".

The Sequential Test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:

- *The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).*
- *The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.*
- *The application is for a development type that is exempt from the test, as specified in footnote 56 of the National Planning Policy Framework.*

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.

For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.'

Paragraph: 027 Reference ID: 7-027-20220825

Sequential Test Considerations:

2.2. To address the extent of housing need and the scarcity of land within the district, the Local Plan has allocated land within designated flood zones. This proposed development site forms part of an adopted site allocation at Policy 5: New Monks Farm, Lancing for mixed-use development comprising a minimum of 600 homes. We understand at least 385 have been approved under AWDM/0021/22.

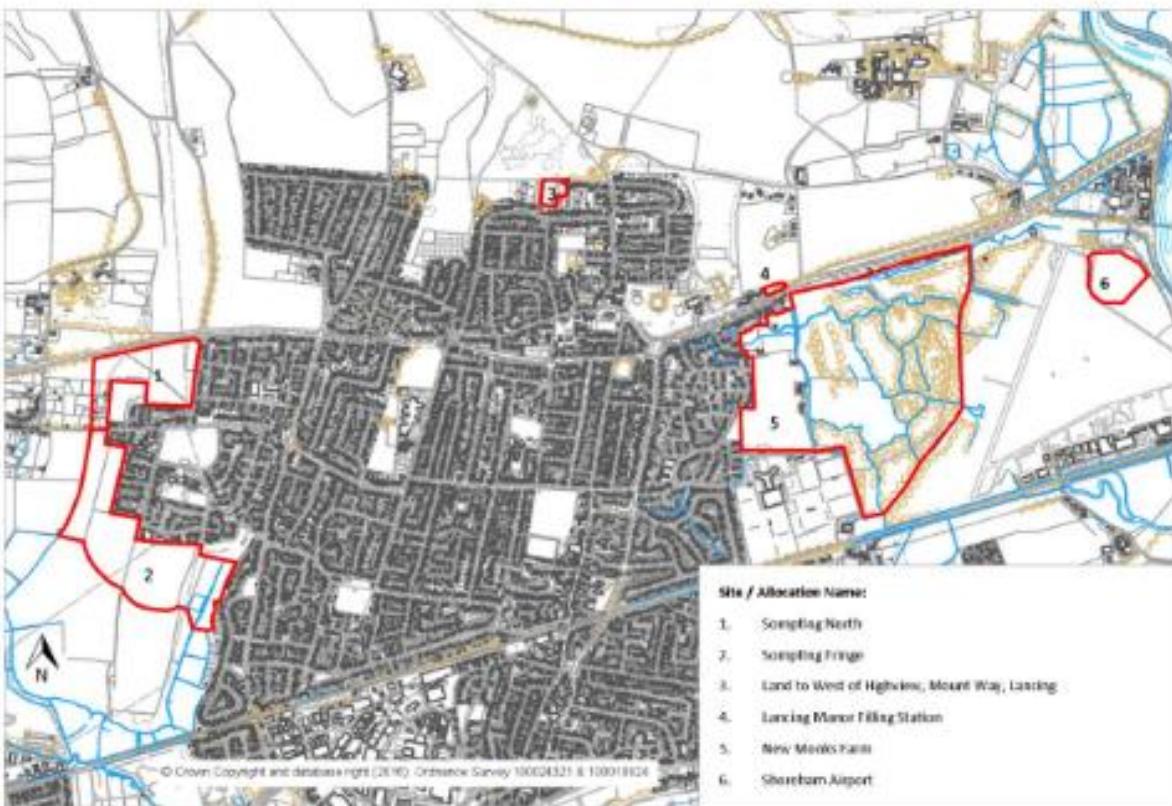
Appendix 2 – Location of Sites / Allocations within Adur (part 1)


Figure 2: Site allocations plan (Site 5: New Monks Farm)

- 2.3. The proposed development for residential dwellings is consistent with the uses comprised under Local Plan Policy 5 site allocation. As stated by Local Plan paragraphs 4.124 – 4.125, the allocation of sites has been on the basis that the sites have passed the ST and ET.
- 2.4. The site allocation identifies the site as being Flood Zone 3a. The FRA confirms that the proposed development site is still Flood Zone 3a and as there has been no significant changes to the known level of flood risk to the site, now or in the future.
- 2.5. In relation to the future flood risk of the New Monks Farm site allocation, Paragraph 2.55 of the Local Plan notes that *"Although construction of the Shoreham Adur Tidal Walls is not essential for development to take place at New Monks Farm, this scheme will help to reduce tidal flood risk on the site."*
- 2.6. Furthermore, as noted in the FRA, the introduction of the Shoreham Adur Tidal Walls Flood Defence Scheme, as well as the tidal defences and groundwater pumping infrastructure as part of the recently constructed New Monks Farm development, result in the development site now benefiting from a 1 in 300-year (0.33% AED) standard of protection. As a result flood risk measures and defences, the site's risk from flood has been appropriately managed.
- 2.7. Given the site is part of the adopted Local Plan Allocation, this confirms that there were no sequentially preferable sites that could be allocated instead of these sites, and the Plan still resulted in a shortfall of over 3,100 dwellings.
- 2.8. The first criteria of this Paragraph: 027 Reference ID: 7-027-20220825 is also addressed given the site's adopted Strategic Site Allocation, therefore the ST is already passed.

Sequential Test Search:

- 2.9. Notwithstanding the ST test being undertaken and passed for this site, the applicant has undertaken a search within an approximately 3km radius of the subject site using information from the SHLAA (2023), Brownfield Land Register (BLR) (2023) and local agents websites. These sites are included in Appendix A.
- 2.10. In searching for potential sites, the following sources have been consulted:
 - Land identified in the Adur & Worthing Strategic Housing Land Availability Assessment (SHLAA) within approximately 3km of the site;
 - Land identified by the Adur & Worthing Councils Brownfield Land Register (BLR) with approximately 3km from the site;
 - All available land for sale on local agent websites within an approximately 3km radius of the site.
- 2.11. Searches for windfall sites reviewed as part of this search, on Rightmove and On The Market did not return any reasonably alternative land/sites for the development of dwellings.
- 2.12. Sites reviewed from Adur & Worthing SHLAA (2023) and BLR (2023) are included in the appendix of the report (Table A1). All of the sites identified of a similar size have been granted planning permission, are in the planning process or are either completed or construction is in progress.

3. The Exception Test

3.1. Having passed the ST by being part of the adopted strategic allocation process in the Local Plan, as required by NPPF Paragraph 177, the Exception Test (ET) is considered to be the next stage. Paragraph 177 states:

"Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3."

3.2. NPPF Annex 3 defines residential use as being 'more vulnerable'. The NPPF, and the Government Planning Practice Guidance "Flood risk and coastal change" recommends the use of Table 2 below to determine whether the ET is required.

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

Figure 3: Table 2 – Government planning practice guidance Flood Risk and Coastal Change

3.3. Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF defines residential use as 'More Vulnerable' use and as it is located within flood Zone 3a, therefore it must also pass the Exception Test as set out by NPPF Paragraph 177.

Exception Test:

3.4. The NPPF states that if, following the application of the Sequential Test, it is not possible or consistent with wider sustainability objectives for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- (A) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared; and
- (B) a site-specific FRA must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

(A) Wider Sustainability Benefits:

- 3.5. As set out in the previous section, if there are no reasonably available alternative sites to accommodate the development, an exceptions test must be undertaken. The first part (A) of which is to demonstrate that the proposal will contribute to the goals of sustainable development.
- 3.6. The proposed development meets an identified housing demand within the District on what is currently a vacant parcel site subject to a strategic mixed-use allocation. A sensitively designed scheme with housing and gardens is considered an enhancement to the local area and is consistent with the allocated purpose for the site. The proposed housing development would complement the wider site allocation creating a sustainable mixed-use community.
- 3.7. With regards to the specific sustainable development roles as defined in by Paragraph 8 of the NPPF, these include economic, and environmental aspects as discussed below.

Economic Benefits

- 3.8. The principal economic benefit will be the investment in a site which has been allocated for development in the Local Plan. It will also see the creation of temporary jobs during construction and provide local economic benefits when the development is occupied.

Environmental Benefits

- 3.9. The construction of the new buildings will see the addition of a new high specification energy efficient housing. Energy efficiency is one of the key measures used in reducing operational CO2 emissions. CO2 emissions accelerate climate change, climate change exacerbates flooding.
- 3.10. The scheme will also increase population density. There is a direct correlation between population density and transport related emissions. Transport related emissions increase as population density lessens. Although small this will provide a per capita reduction in transport related carbon emissions.
- 3.11. The 2018 IPCC Report labels man-made climate change as the single greatest threat facing humankind: "*every extra bit of warming matters*", as such this provision of low carbon housing should be welcomed.

Site-Specific Flood Risk

- 3.12. The FRA outlines a building design response, against a measured climate change adjusted risk factor, from all known flood sources, and will detail how the property will remain safe over the course of its lifetime. The FRA is summarised in the following section.

(B) Development will be Safe for its Lifetime:

- 3.13. The second element of the Exception Test has been addressed in Section 7 of the Flood Risk Assessment by Herrington, where measures to mitigate flood risk are reviewed.
- 3.14. The assessment considers the risk of flood from a "*wide range of sources, with only the risk of surface water flood identified as having any bearing on the development during baseline conditions. However, through appropriate mitigation the assessment considers that the development would significantly improve the impact of surface water flooding onsite and offsite, not increasing flood risk elsewhere whilst also providing benefits to the predicted flooding in neighbouring developments.*"
- 3.15. The proposed drainage strategy, raised FFLs and other mitigation measures outlined in the FRA are considered to result in the risk of flooding from surface water being greatly improved within the development site.

Exception Test Summary:

- 3.16. For the reasons outlined above, it is considered that parts A and B of the Exception Test have been satisfied.
- 3.17. Additionally, Local Plan guidance is relevant to this site given the site has passed the ST requirement. The guidance at paragraph 4.125 states "*Where sites have passed the sequential test, they have been assessed against the objectives of the Sustainability Appraisal to determine whether the sustainability benefits to the community outweigh flood risk as part of the Exceptions Test. The sites that demonstrate these wider benefits and have also shown, under Part 2 of the Exception Test, that flood risk on the site can potentially be managed without increasing flood risk elsewhere have been allocated in this plan. Further detail regarding the management of flood risk would be required at the planning application stage where the developer would be required to produce a detailed site specific Flood Risk Assessment*".
- 3.18. As an existing adopted site allocation, the Local Plan confirms that the development site has passed the ET.

4. Conclusion

- 4.1. Unda Consulting Limited have been appointed by A Y Developers to undertake a Sequential and Exception Test for Planning for an application for the proposed development at Land to the rear of 74 Old Shoreham Road, BN15 0QZ.
- 4.2. This Sequential and Exception Test has been undertaken in accordance with the current flooding guidance within the NPPF, and the EA guidance document "Demonstrating the Flood Risk Sequential Test for Planning Applications".
- 4.3. The development site has passed both Sequential and Exception Tests as part of the Local Plan site allocation process. Due to the limited availability of land in the able land in the District, site at risk of flood were allocated on the basis that appropriate flood risk management measures and defences make flood risk acceptable.
- 4.4. There were no sequentially preferable sites that could be allocated instead of these sites, and the Plan still resulted in a shortfall of over 3,100 dwellings.
- 4.5. While this site is classed as "More Vulnerable", the development comprises a new residential dwelling located within an adopted strategic mixed-use allocation.
- 4.6. Notwithstanding the Exception Test undertaken and passed as part of the Local Plan Process, both parts of the Exception Test are considered in this report are passed, as required by the NPPF. The first part would be satisfied by the new development providing important residential family dwellings which would contribute towards meeting strategic housing targets for the District. There are also various economic benefits which flow from the proposals including short-term job opportunities within the area during its construction and longer-term local benefits once the housing is occupied.
- 4.7. The second part of the test is satisfied by existing and proposed mitigation measures that would make the development safe throughout its lifetime, including all floor levels being set above the expected flood levels and flood resistance and resilience measures that can be incorporated within the development.
- 4.8. Although the ST has been undertaken and passed for this site, the applicant has undertaken a search within an approximately 3km radius of the subject site using information from the SHLAA (2023), Brownfield Land Register (BLR) (2023) and local agents websites. These sites are included in Appendix A. The search confirms that no alternative sites are available for development at this point in time.

Based on the above and the fact that there are no reasonably available sites in areas of lower flood risk within this area which make a reasonable alternative to the subject site, the sequential test is considered to be passed.

The exception test has identified wider sustainability benefits; the FRA demonstrates how the occupants will be safe from flood risk for the lifetime of the building.

Accordingly, for the reasons stated, and based on the guidance found within the NPPF and associated guidance, it is considered that the residential development of the application site should be facilitated.

Unda Consulting Ltd
January 2025

Appendix

Table A1:

- Potentially Available Residential sites in the SHLAA (2023);
- Brown Field Register (2023);
- Local agent online searches.

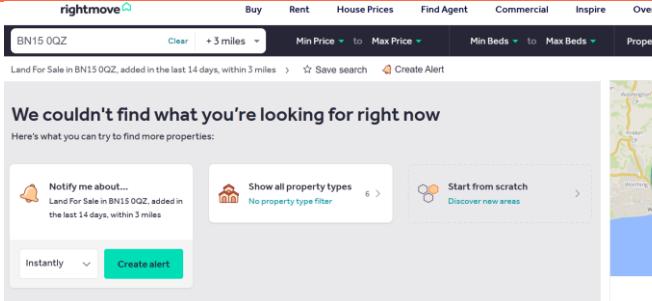
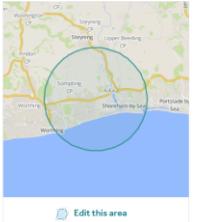
Table A1

Site Name	SHLAA ID	Gross Plot Size (Ha)	Number of units	Other comments
ADC/151/18 E of Manor Close/S of 72/88 Old Shoreham Rd, Lancing	ADC/151/18	2.037	35	<p>SHLAA Status Conclusion:</p> <p>These two sites are considered together and form part of the wider allocation at New Monks Farm. They are not, however, included in the current planning permission for development at New Monks Farm and separate planning applications are anticipated. For the purposes of the SHLAA it is concluded as a Potential site.</p> <p>[Includes the application site The site is part of a wider allocation at New Monks Farm Flood Zone 3a]</p>
Lancing Police Station, 107-111 North Road, Lancing	ADC/025/13	0.12	32	<p>SHLAA Status Conclusion:</p> <p>The site is considered suitable and available, and residential development is achievable therefore it is concluded as a Potential site.</p> <p>The site is now in the ownership of Adur District Council and redevelopment options are being explored.</p>
South Street Car Park, South Street	ADC/023/13	0.15	7	<p>SHLAA Status Conclusion:</p> <p>The site is in use as a public car park however it is underutilised and it is the least income producing car park in Adur District. The Council carried out an assessment of the potential of this site for residential development with a feasibility study being completed. Public consultation on development proposals (8 dwellings) for emergency accommodation was undertaken in July 2022 and this was followed by a planning application for 7 dwellings which was submitted in February 2023 which fell during this SHLAA monitoring period. On this basis, the SHLAA status has been amended to Potential. Planning permission was granted in April 2023 however this falls outside of the monitoring period and thus for the purposes of this particular SHLAA the site remains as Potential.</p>

Goachers Laundry, Alma Street, Lancing	ADC/082/13	1.04	8	SHLAA Status Conclusion: The laundry use has been relocated and the site is suitable and available for residential development. For the purposes of the SHLAA it is concluded as a Potential site.
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Site Name	Brown Field ref:	Gross Plot Size (Ha)	Number of units	Other comments
Garage Block 88 To 97 Daniel Close Lancing	ADCBR36		9	Application Approved Demolition of existing garages; erection of 9no. Dwellings and associated works. Application to Vary Condition 1 (plans) to previously approved AWDM/0827/22.
Garage Compound Gravelly Crescent Lancing	ADCBR37		7	Application approved Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent. Application to vary condition 1 (approved plans) of AWDM/2068/21
Edf Energy Plc, Southdownview Road, Worthing	WBCBR42		78	Prior Approval ref. NOTICE/0001/19 Granted 29 March 2019
Gas Holder site, Lyndhurst Road	WBCBR18		209	Application ref: AWDM/1459/21 Permission granted 18 June 2024
Union Place	WBCBR15		216	Outline application ref. AWDM/1618/23 Approved 12 August 2024

Teville Gate - Development Site At Former Teville Gate Car Park And Land To The West Teville Road Worthing West Sussex	WBCBR13		378 - Mixed-use scheme	Awaiting decision Ref. AWDM/0325/19
Development Site At 12 To 18 Old Shoreham Road Shoreham-by-sea	ADCBR41		5	Planning application ref. AWDM/2294/21 Approved 08 February 2023

Site Name (Three Km search radius of the site)	Local Agent	Gross Plot Size (Ha)	Number of units	Other comments
No sites available	Rightmove			 
Community Hub, New Monks Park, Brimstone Road, Lancing, West Sussex, BN15 9HG	On the Market			Existing Community Hub comprise use classes E or F1/F2 Site is part of a mixed-use development and is not suitable.