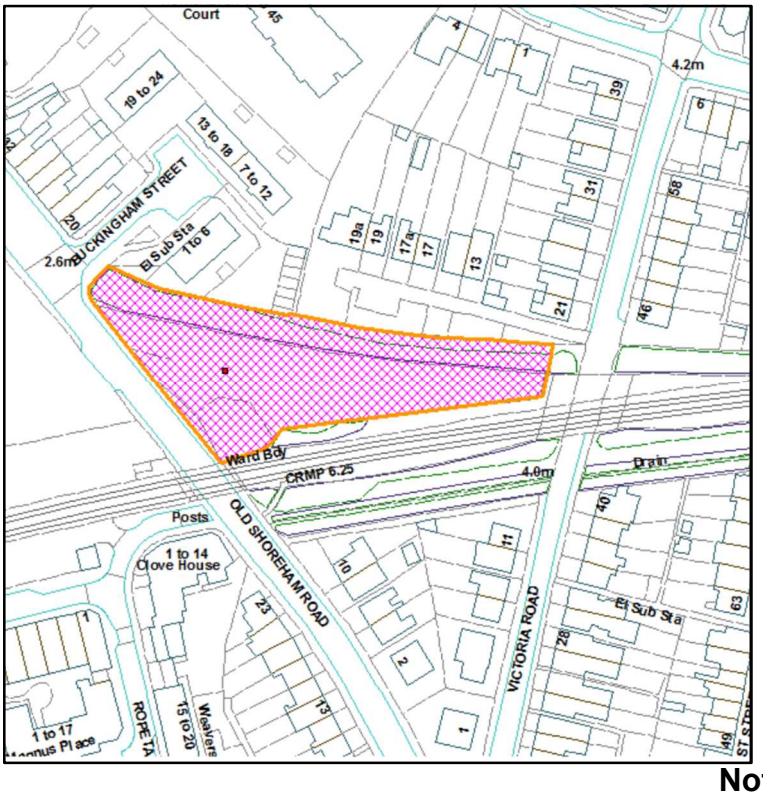
Application Number:	**AWDM/2294/21**	**Recommendation - Approve and Delegate to the Head of Development to issue decision upon the expiry of the consultation period on 7 February and there being no new substantive comments not previously considered by the Committee**
Site:	**Development Site At 12 To 18 Old Shoreham Road, Shoreham-by-Sea**	
Proposal:	**Erection of seven new-build townhouses (C3) consisting of a terrace of five houses (3 storey at front and 2 storey at rear) with integrated car parking and a pair of semi-detached three storey dwellings with integrated car parking**	
Applicant:	Adur Developments Ltd	Ward: St Nicolas
Agent:	Paul Joyce, Lewis and Co Planning Se Ltd	
Case Officer:	Gary Peck	



Not to Scale

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This application was deferred at the December meeting to seek further information in

respect of landscaping/tree retention and impact upon neighbouring properties. The previous committee report is appended.

Current Situation

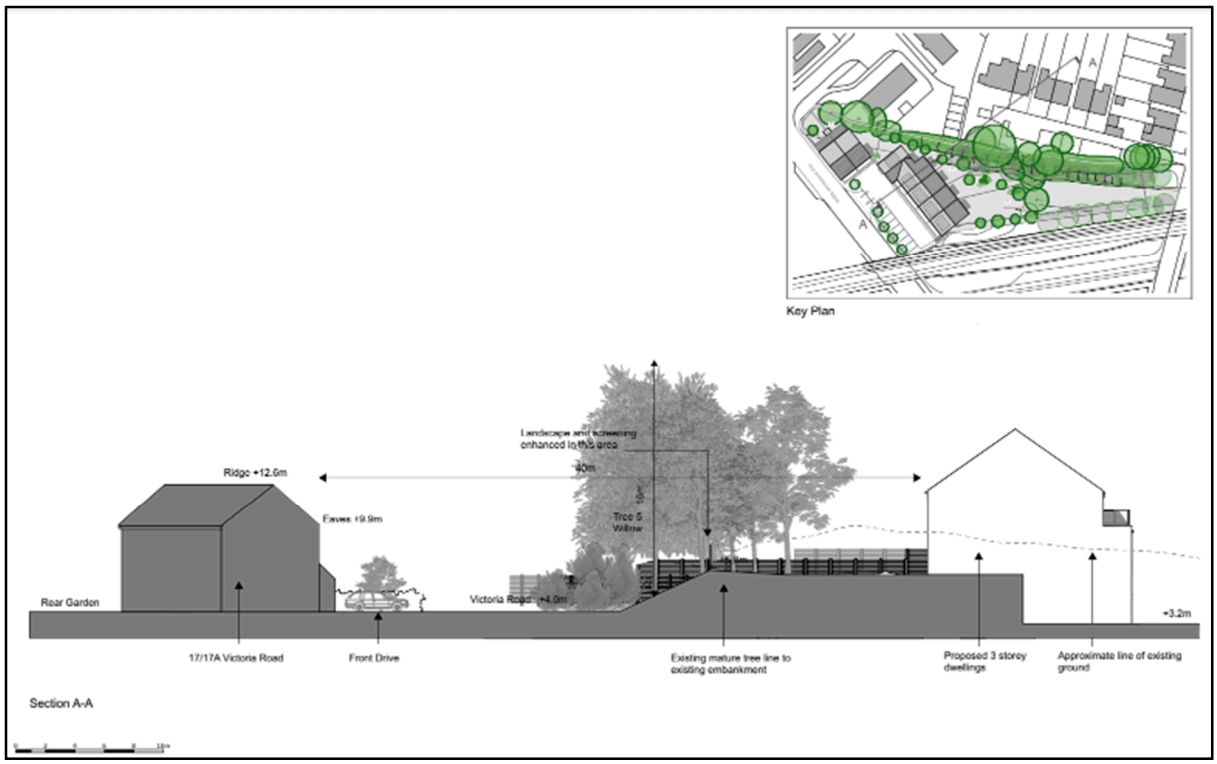
Following the meeting, further information has been submitted by the applicant's agent consisting of an Arboricultural Method statement, updated landscaping plans, and updated site layout and site section drawings showing the distance between the proposed dwellings and the nearest existing residential properties.

The site layout plan below demonstrates that there is a minimum distance of 38 metres between the nearest proposed dwelling and existing residential dwellings. This far exceeds the Council's minimum overlooking distance of 22 metres, but members will also recall that the development has been reduced by 1 storey from that originally submitted. Notwithstanding this distance, it was also considered necessary to demonstrate the raised nature of the land on the old railway embankment would not result in the development appearing overbearing to the dwellings behind and accordingly the section drawings below were also submitted as additional information.

Site layout plan showing distance to residential properties:



Site section drawing



Your officers consider that the additional information successfully demonstrates that the proposal is acceptable in terms of its impact upon existing residential properties.

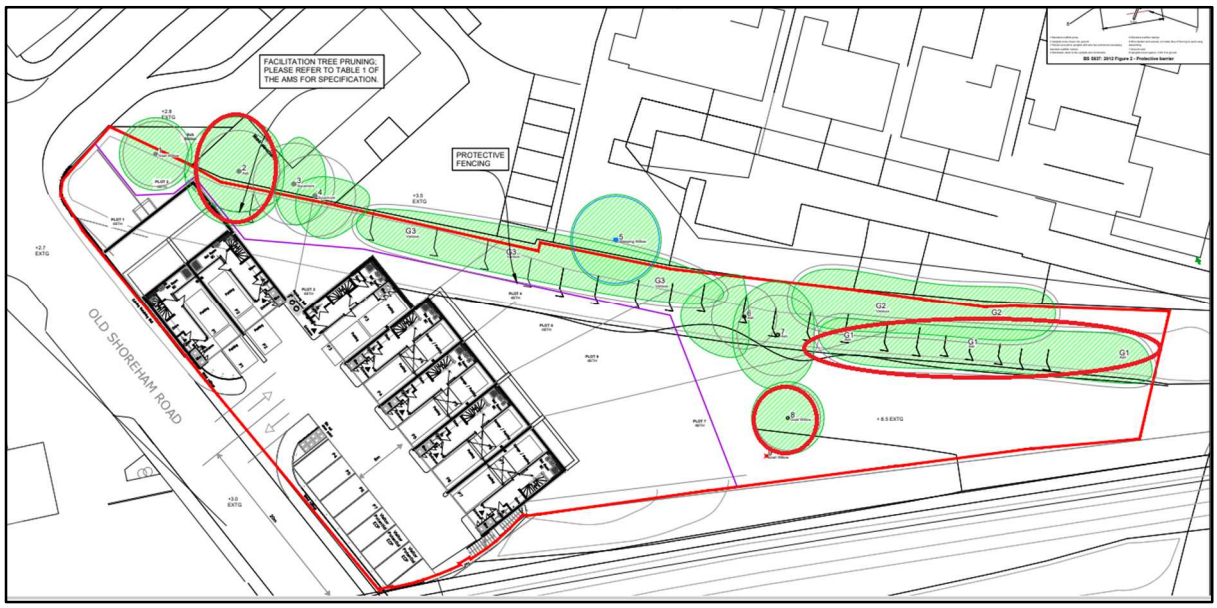
The section drawing also shows that part of the reason for the acceptable relationship between the development and existing dwellings is the existence of a tree screen that runs along the border of the application site. Notwithstanding the distance between dwellings, therefore, members wished to ensure that sufficient information was submitted to demonstrate that the tree screen would remain.

An arboricultural method statement has been submitted with the application which more explicitly outlines the retention and tree works required as part of the development. In particular, a tree removals and pruning table has been submitted:

Tree no.	Species	Height	BS Category	Work required	Reason for work
2	Ash	10m	C	Crown reduce south side only by 1.5m of existing branch length leaving branches 4.2m from trunk & providing clearance to plot 2 by approx. 2.8m. Crown lift south side only to provide 2m clearance from ground level.	To enable construction of retaining wall without causing damage to tree/parts.
9	Goat Willow	5m	C	Fell to ground level.	Due to poor structure and limited life expectancy. To provide space for new tree plantings (refer to proposed Landscape Plan 'LP01').
G1	Ash	12m	C	Fell dead trees and those showing progressed *Chalara*, Ash dieback symptoms i.e. more than 50% defoliation.	Due to presence of *Chalara*, Ash dieback disease and decline in tree health visible within tree group.

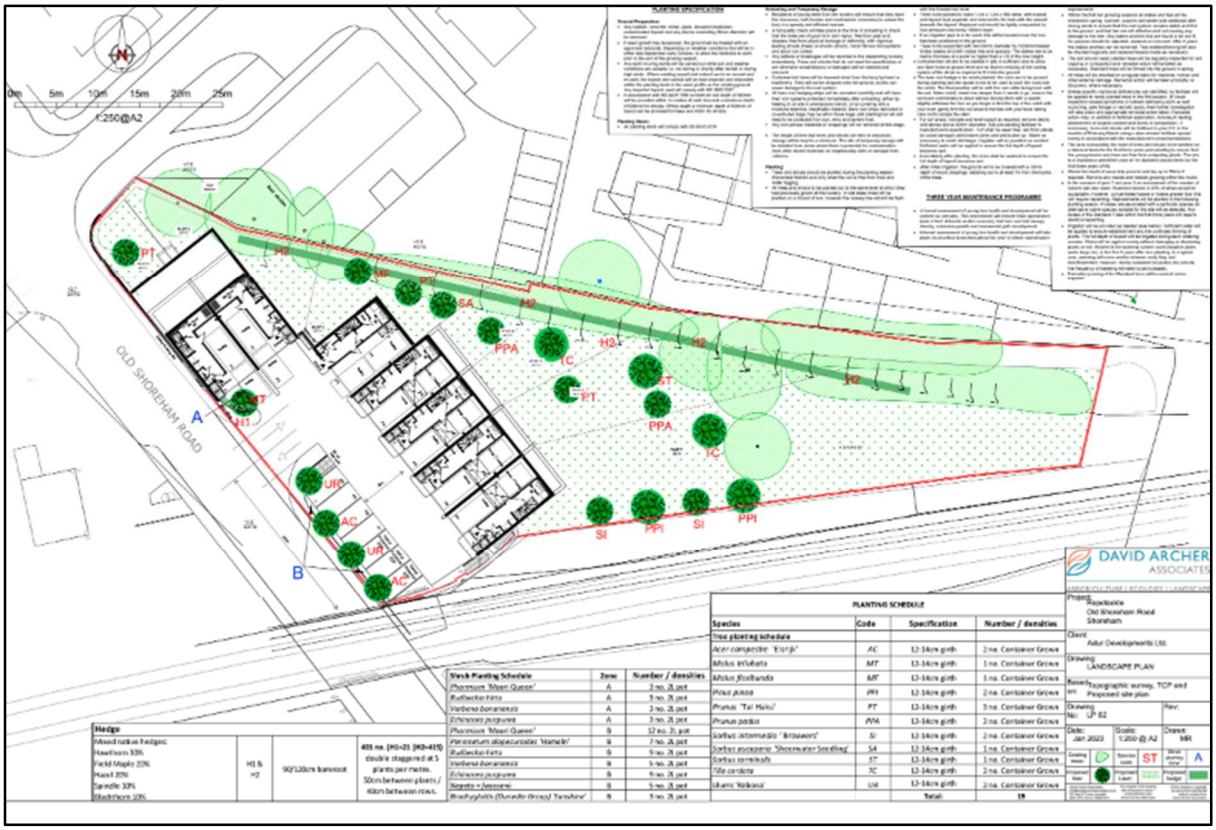
Table 1 – **Tree removals and pruning**

The main tree works required are therefore are crown reduction to the Ash adjacent to plot 2, the removal of a goat willow tree and felling the group of ash trees that lie inside the group of trees that border the site as shown on the diagram below with the affected trees circled in red:



It is considered that the felling of the goat willow (the tree circled to the south) and the crown reduction to the ash (north western part of the site) will have little material impact. The removal of the Group 1 set of ash trees makes it imperative that those within Group 2 and Group 3 (the former being sited immediately to the north of G1) are retained. In this respect it is noted that the method statement identifies these trees as being retained and providing *valuable habitat and screening to residential properties*. It is also noted that on the above plan, protective fencing is proposed to ensure the retention of the trees during construction works. The details outlined in the method statement can be secured by condition.

Additional landscaping including hedge and shrub planting will also take place:



Together with the tree retention, it is considered that the proposed landscaping will further enhance the development.

Conclusion

It is considered that the additional information submitted by the applicant demonstrates that the proposal will fit acceptably into the area and provides the additional information requested by members at the December meeting. Accordingly, it is recommended that permission be granted. The conditions proposed at the end of the original report have been updated to reflect the additional information.

Recommendation

To Approve and Delegate to the Head of Development to issue decision upon the expiry of the consultation period on 7 February and there being no new substantive comments not previously considered by the Committee and subject to the conditions at the end of the appended committee report with updated conditions to reflect the submission of further information.

COMMITTEE REPORT: DECEMBER 2022

This application has been called into the Committee for determination by Cllr Gabe Crisp

Proposal, Site and Surroundings

This application, which has been amended during its determination, seeks full permission for the erection of 7 dwellings. As originally submitted, 2 additional dwellings were proposed to the rear of the site but following feedback from your officers theres units were removed from the application and amended plans subsequently submitted.

The application now therefore comprises 7 x 3 storey townhouses with floor areas of between 145 and 150 square metres. Each unit has 2 allocated parking spaces with 4 of the units also having a private garage.

The units are all 4 bed with the terrace of 5 units being at split level due to the rising ground to their rear, but each of the dwellings has a 3 storey element. The bedrooms are set out at 1 at first floor level and the remaining 3 at second floor level.

A block plan and elevation details are shown below:





The application site is triangular and is bordered by the Coastway west railway line to the south and a disused railway embankment from the old Shoreham-Steyning-Horsham railway line to the north. There is a row of established trees to the northern boundary. Old Shoreham Road is the front western entrance to the site with the completed part of the Ropetackle North development across the road.

To the north of the application site are 3 storey flats in Buckingham Street, while to the rear, north east of the site are residential properties accessed via a private road to the west of Victoria Road.

Relevant Planning History

The application site formed part of the Ropetackle site originally granted outline planning permission in 2015 under reference AWDM/0935/13. The indicative plans submitted with the application suggested provision for mixed-use buildings in this part of the wider Ropetackle site comprising retail uses at ground floor level, with residential accommodation above.

Full planning permission was granted for the remainder of the site to the west side of Old Shoreham Road in 2017 under reference AWDM/1006/16 except for an area in the southeastern corner which is currently the subject of an undetermined application for a proposed mixed use building set over 5no. floors comprised of ground floor commercial space (Use Class E) and 34 new apartments (AWDM/1314/22)

Consultations

Environment Agency - initial comments

In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons - The application site lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance for the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change as having a high and medium probability of flooding. The NPPF (paragraph 167, footnote 55) states that an FRA must be submitted when development is proposed in such locations.

An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown. This is sufficient reason for refusing planning permission.

Overcoming our objection

To overcome our objection, the Applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall.

If this cannot be achieved, we are likely to maintain our objection.

Further comments (a Flood Risk Assessment had been submitted with the application)

We acknowledge that a Flood Risk Assessment (FRA) was submitted with the application and we have now had an opportunity to review that FRA (entitled 'Site2B Ropetackle North, Shoreham Waterfront, Old Shoreham Road, Shoreham, BN43 5FL – Flood Risk Assessment & Surface Water Drainage Strategy', dated October 2021, ref: MC0031 ADL Ropetackle 2B, by Meridian Civil Engineering Consultancy Ltd). Our position and comments are set out below.

Environment Agency position

We are satisfied that our previous objection to the proposal (as per our letter dated 17 January 2022, our ref: HA/2022/123882/01) can be removed provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Following the receipt of amended plans reducing the development to 7 dwellings (from 9), the EA confirmed they maintained their position of no objection.

Environmental Health Private Sector Housing

No objection

Environmental Health Public Health

Contaminated Land

The Design and Access Statement identifies contaminated land as a constraint for this site. However, no risk assessment has been submitted with this application. Looking back at the outline permission (AWDM/0935/13) which covers both this site and the larger Riverbank Business Centre (Phase 1) a ground investigation report was submitted, although there seems to have been very little discussion/consideration of this small Phase 2 area, with the focus of the report being on the larger Phase 1 area. There appears to have been 2 soil samples taken from this Phase 2 area in 2008, but only one very shallow sample appears to have been analysed for contamination, this identified elevated levels of PAHs. We would require a more indepth assessment to be undertaken, specific to this development site.

Noise

The Shoreham Waterfront Development (Scheme 2b), Shoreham Residential Development Noise & Vibration Impact Assessment Draft Report (10th November 2021 11582B.001R.2.0.RF) has been submitted with this application. Section 3.3 of this report makes reference to the planning guidance document 'Planning Noise Advice Document – Sussex', produced by Local Authorities in Sussex, including Adur & Worthing Councils, which sets out the required approach for undertaking noise assessments for certain types of development. However, it appears the consultant may not have been making reference to the current document dated March 2021, as this specifically advises the requirement for the Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 to be followed when a development is within close proximity to an A class road or a railway line.

The submitted Noise and Vibration Impact Assessment makes no reference to this guidance and there does not appear to have been any consideration given to good acoustic design. The provision of mitigation such as mechanical ventilation should only be considered if all options for good acoustic design (e.g. orientation of the site, locating noise sensitive rooms away from noise sources, barriers etc) have been exhausted.

Vibration

The vibration assessment within The Shoreham Waterfront Development (Scheme 2b), Shoreham Residential Development Noise & Vibration Impact Assessment Draft Report (10th November 2021 11582B.001R.2.0.RF), section 6.6 is acceptable. The results indicate that the period vibration dose values (VDV's) for daytime and nighttime are expected to fall below or within the range which, according to BS6472, there is a low probability of adverse comment, and therefore no mitigation is required.

Air Quality

As this development site is within close proximity to an AQMA the applicant should provide an Emissions Mitigation Assessment.

Technical Services

Flood risk - The application is within flood zone 1 and has small areas within flood zone 3. The site is not shown to be at risk from surface water flooding.

Surface water drainage - the application form indicates that it is proposed to discharge surface water via attenuated discharge to surface water sewer. The drainage strategy states that historic groundwater monitoring in the area established that groundwater was tidally influenced and shallow. We expect to see up to date site specific ground investigations to be completed to support the design at later stages. This should include some winter groundwater monitoring, and if groundwater is sufficiently deep on site winter infiltration testing.

Assuming that infiltration is evidenced to not be viable the proposals outlined within the drainage strategy appear broadly acceptable. However, we would like to point out that we do not support pumping of surface water. Please can the applicant submit evidence of the invert level of the surface water sewer within old shoreham road and evidence that a gravity connection will be achievable.

WE WOULD LIKE TO PLACE A HOLDING OBJECTION AT THIS TIME. It is essential to establish if there is adequate space for surface water drainage prior to agreement of the principle of development. Drainage should be a fundamental consideration in design. Failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements.

To overcome this objection the applicant should submit:
1. evidence of the invert level of the surface water sewer in Old Shoreham Road at the proposed point of connection.
2. evidence that the sewer either has an existing connection from this site, or that the owner will accept a new connection.

If this information is satisfactorily submitted detailed drainage design can be left to pre-commencement conditions. Please re-consult us once further information is supplied.

Further comments from Technical Services are awaited on the amended plans and will be reported verbally at the meeting.

West Sussex County Council Highways

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the full planning application AWDM/2294/21, with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Statement (TS) and Design & Access Statement (DAS).

Site Context

The application site is a vacant brownfield site along A283 Old Shoreham Road and is situated immediately north of the railway line. The development proposals are for the construction of 9 nos.4-bedroom town houses (Use Class C3) consisting of a pair of semi-detached houses over four storeys with integrated car parking at ground floor level, a terrace of five houses over four storeys with integrated car parking and a pair of semi-detached two storey dwellings. Pre-application advice from WSCC for 9 nos. 2-bed town houses was sought in November 2021.

Access & Visibility

The site access fronts onto A283 Old Shoreham Road and is directly accessed using a dropped kerb. A283 Old Shoreham Road is a two-way single carriageway road subject to 30mph speed limit. The existing access will be reconfigured to gain access into the proposed development.

Visibility plans provided within the Transport Statement demonstrates that visibility splays of 43 metre are achievable along both directions from a 2.4 metre setback. This is in accordance with the requirements set out in Manual for Streets (MfS) for a posted speed of 30mph. As per the Stage 1 RSA recommendation the proposed fence lines must be kept clear to avoid any obstruction into the visibility splays.

Personal Injury Accident (PIA) Data

WSCC's online record for road traffic collisions have been interrogated. This reveals there has been no personal injury accident at the site access frontage within the last five years. This indicates the site access has been operating in a safe manner in its present form.

Refuse Collection / Servicing

Refuse storage areas are provided for each dwelling and on the collection day bins are wheeled to the bin point located at the entrance. Refuse collection will be carried out from the kerbside in line with the existing arrangements for the neighbouring properties.

A fire tender will be able to enter the site from Old Shoreham Road and be able to reach all dwellings which are well within 45 meters from a standing fire tender.

Sustainability

Old Shoreham Road has footways along both sides of the road which connects onto wider footway network. Good street lighting system provision along these roads is conducive to walking and cycling. The site benefits from many shops, schools, amenities within walking distance of the site.

The nearest bus stops are located within 100m distance to the north of the site at Swiss Cottage stops and the nearest train station is Shoreham-by-Sea station which is around 1km from the site.

Therefore, the site is considered sustainable.

Parking & Turning

WSCC Car Parking Guidance has been interrogated to estimate the number of parking spaces required by the proposed development. As the site falls within parking behaviour zone 3 there would be a requirement of 23 spaces. Nomis data has also been interrogated to understand the local car ownership patterns for the local area. The analysis shows that the ratio is 0.43 cars per bedroom which equates to 16 spaces. The development proposes a total of 18 car parking spaces at a ratio of 2 nos. spaces per dwelling.

There are parking restrictions in the form of double yellow lines in the vicinity of the site which prevents the residents from parking on the street; hence, will not create highway safety implications. However, the Local Planning Authority may wish to consider the amenity implications.

WSCC's car parking guidance requires a minimum 37% for 2022 of all parking spaces be provided with 'active' charging points and the remaining parking spaces provided with ducting for 'passive' provision of these spaces to be upgraded in future. It is noteworthy that the revised Building Regs (Approved Document S https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s shall come into effect from 15th June 2022. This

regulation requires all the parking spaces to be provided with ‘active’ charging points.

No information about Electric Vehicle Charging (EVC) is provided within the Transport Statement; hence, LHA would direct the Local Planning Authority (LPA) to seek clarity with regards to EVC provision for the new parking spaces.

A total of 18 cycle parking spaces, 2 per each dwelling, will be provided for the proposed development within a safe and secured place.

Swept path analysis carried out using a large car, 3.5T panel van, and a fire appliance demonstrate that these vehicles can enter the site, turn within the site, and exist the site in forward gear. This indicates the site access is fit for purpose.

Trip Generation and Highway Capacity

A TRICS assessment has been carried out to indicate the likely level of trips (two-way) during the AM and PM peak hours and total daily. As demonstrated within the TS the proposed development could generate circa 5 trips in the AM peak hour, 5 trips during the PM peak hour and an overall total of 42 vehicular trips. This level of trips is not expected to give rise to a highway capacity issue on the local highway network.

Conclusion

The Local Highway Authority (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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

Following the reduction in the number of dwellings, WSCC further commented that amended plans have now been submitted with this consultation for which the LHA would raise no objection in terms of Highway safety or capacity.

West Sussex Fire and Rescue Service

Having viewed the plans for the planning application no. AWDM/2294/21 for the erection of nine new-build townhouses (C3) consisting of a pair of semi-detached houses over four storey with integrated car parking at ground floor level, a terrace of five houses over four storey's with integrated car parking and a pair of semi-detached two storey dwellings, evidence will be required to show that all parts inside all dwelling is within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. Any areas not within the 45 metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS4854 standards.

Network Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under

license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed development to Network Rail's viaduct and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. Of particular interest to our Asset Protection team is how Network Rail will be able to continue to inspect and maintain the railway viaduct both during both the construction and operational phases.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from our website https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation/.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Southern Water

No objection

Representations

Originally submitted plans for 9 dwellings

A joint letter was submitted by 5 residents in Victoria Road, to the rear of the site stating:

As residents of the section of Victoria Road immediately to the north of the application site, we object to this application.

The principal issue is that the application drawings give no indication of the relative levels between the proposed new dwellings and our houses. A section drawing would enable the relationship to be seen, and thus the effect of the proposal understood. Specifically, both the east pair of semi-detached houses, and the block of four storey town houses have the potential to directly and adversely affect our privacy, light and outlook.

At present, the front facades of Nos 13 - 19a Victoria Road, including principal bedrooms at first floor, enjoy a high level of privacy, high light levels and a sense of openness, from their southerly orientation. The nearest proposed buildings appear to be set on higher ground, and are respectively, full two stories and four stories tall. These proposed buildings are immediately south and south-west of ours, and so, if at all elevated, would directly impact on our light and outlook, as well as directly overlook our bedroom windows. Again, if elevated, the buildings could be severely overbearing.

We understand that Policy 15 of the Adur Local Plan requires development to not have an unacceptable impact on adjacent properties, particularly dwellings, including unacceptable loss of privacy, daylight/sunlight and outlook. No consideration is given to these matters within the application documents, in respect of our properties, bar an indication that new tree planting along the application site's northern boundary would alleviate potential overlooking/privacy issues. New planting would take a considerable time to establish and mature to a height where it would be effective, although anything deciduous would only provide effective screening when in leaf. Conifers, unless pruned, could grow to a height where they themselves cut out light and outlook. It is not evident that planting could provide an effective long-term solution to the potential problems.

Accordingly, we would be grateful if additional information on relative levels could be provided by the Applicants, so that the impacts upon our amenities can be properly assessed.

1 letter of support was received stating:

This application has my full support. The development of this unsightly derelict site would be a significant benefit to the immediate area.

Following the receipt of amended plans reducing the scheme to 7 dwellings

1 letter of objection received stating that there is too much development in the area

2 letters requesting further clarification:

- *The principal issue is that the application drawings give no indication of the relative levels between the proposed new dwellings and our houses. A section drawing would enable the relationship to be seen, and thus the effect of the proposal understood & whether proposed development has the potential to directly and adversely affect our privacy, light and outlook With the new proposal is there further details around: Consideration of privacy, tree planting plan? Details of use for the 'triangle' of land which is not being developed? There is limited drawings of what the rear of the proposed development will look like - ie what we will see!*

- *I note the latest application is for a reduced proposal which must improve the impact on our cul-de-sac lying behind the development. But it is difficult to assess the impact on us in the absence of critical cross sections or artists impressions. There is an artist's impression looking south along the Old Shoreham Road but this does not help us. Also we need a cross section across to the flats in Buckingham Street. They are three storeys 2 high under a pitched roof which should equate to the proposal provided the base is at the same height above sea level. And we need a cross section from the north end across to numbers19/19a which are our nearest houses to the development. When this 'Ropetackle North' development first was exhibited several years ago when outline approval was granted, the northernmost point was further set back from us as there was vehicular access around the north end.*

- *LANDSCAPING: trees are shown on the plan which will be the existing embankment ash trees. Unfortunately I suspect they are suffering from ash die-back disease. They may need removal before work starts. CAN we PLEASE HAVE AN ASSURANCE THESE WILL BE REPLACED BY SIZABLE TREES OF ANOTHER SPECIES. NOT small saplings which will take donkeys years to have any impact in replicating the current leafy ambience which has been a very important well-being feature for us over many years.*

Relevant Planning Policies and Guidance

Adur Local Plan 2017

Polices 1 - The Presumption in Favour of Sustainable Development,
3 - Housing Provision,
11 - Shoreham-by-Sea,
15 - Quality of the Built Environment and Public Realm,
18 - Sustainable Design,
20 - Housing Mix and Quality,
34 - Pollution and Contamination,
36 - Flood Risk and Sustainable Drainage

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 ‘Space Around New Dwellings and Flats’; No.2 ‘Extensions and Alterations to Dwellings’
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Planning Contributions for Infrastructure Provision (ADC 2013)
Demonstrating Genuine Redundancy of Employment Sites (ADC 2019)
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 application site forms part of the Ropetackle North allocation as set out initially in the previous Local Plan and reaffirmed as an allocated site in the 2017 Plan. Much of the development to the western side of Old Shoreham has been completed with a current application being considered for the remaining part in the south-eastern corner of the site. Although the site which is the subject of this application was included in the outline permission, it did not form part of the subsequent Reserved Matters consent and hence has lain vacant for some years now.

It was previously anticipated that this part of the site would incorporate a mixed use development, with employment uses and residential use being shown on the original outline plans. The current Local Plan policy (11) while stating that Ropetackle North as a whole as a whole is anticipated to provide a ‘*mixed use development to include housing and employment'* does not specifically require this parcel of land to provide a mixed use development. The approved development now built does incorporate a riverside cafe and retail floorspace and therefore an element of commercial floorspace has already been provided. Furthermore, the current undetermined application within the main site does include commercial development across its ground floor. Given the mixed uses already secured on the site as a whole and the lack of any development coming forward previously on this parcel of land, it is not considered that the principle of a solely residential development on this part of the site is unacceptable. In this respect, the site is located some distance from the town centre in a predominantly residential area and the provision of additional housing has significant benefits given the need for additional housing to meet current unmet needs.

Additionally, the site is constrained not only by its triangular shape but also because of the difference in site levels to the rear with the row of residential properties accessed via Victoria Road. The application, as originally submitted, included 2 further dwellings to the rear portion of the site. Your Officers not only considered that this would provide a rather poor layout in what is essentially a frontage led scheme, but also the provision of 2 dwellings to the rear of the site would have an adverse impact upon the amenities of those nearby residential properties, as attested by the letters of representation received by those properties. The applicant subsequently agreed to delete those rear properties from the application and accordingly amended plans were submitted reducing the scheme to the current 7 units.

In terms of the impact upon neighbouring residential amenity, it is considered that the proposal is now acceptable with the removal of the 2 rear dwellings. The proposed dwellings (in the terrace of 5) are now in excess of 35 metres away from the properties in that section of Victoria Road nearest to the application site. These properties are 2 storey at the rear as they would be constructed into the slope and it is not considered, therefore, that despite the higher level of the site than its surrounds to the rear, there would be a material impact upon residential amenities to the rear sufficient to warrant the refusal of planning permission. The 3 storey properties in Buckingham Street would be partly screened by existing planting and in any case would be at an oblique angle to the pair of dwellings in the north western part of the site.

In visual terms, it is considered that the redevelopment of the site would have the opportunity to improve the visual appearance of the area. The undeveloped nature of the site as well as partly being used for the deposited materials from the first phase of development gives it a rather unattractive appearance especially now that the majority of the redevelopment across the road has taken place. Nonetheless, it is very important that the scale of development is appropriate to the surroundings and similarly the design of the dwellings has been reduced in scale during the determination of the application. Initially, the proposed dwellings were a storey higher than now proposed. While it was noted that the outline application anticipated a building of height similar to those originally proposed, it would have been unlikely to be the case that such a building would have spread across the majority of the frontage as is proposed under the current scheme.

As a purely residential scheme, it is considered more appropriate that the scale of the dwellings should reflect the surrounding scale of development which, on the eastern side of Old Shoreham Road, is predominantly 3 storeys. Accordingly, the subsequent amendments to the application reducing the development to a maximum of 3 storeys in height, but in a not significantly different style to the existing development across the road, is considered to be a significant improvement and will enhance the street scene.

In respect of sustainability, an Energy Statement has been submitted with the application which states that Air Source Heat Pumps have been identified as the most appropriate low carbon technology for the development. It is stated that the identified measures would result in a 76.63% carbon saving over the target emissions rate which would exceed the policy requirements in the Local Plan (10%).

The submitted landscaping information indicates that some low grade trees are to be removed but the majority of the remainder will be retained. The landscape buffer to

the north is especially important and can be retained and enhanced by condition. Local residents have requested that replacement trees should be of an appropriate size and this can be secured by planning conditions.

The application site is predominantly in Flood Zone 1 (FZ1) where there is the lowest risk of flooding except for a small part of the site to the western side which falls within FZ3. This has informed the internal layout of the dwellings with garaging being located on the ground floor and accordingly it will be possible to comply with the condition as suggested by the Environment Agency. Ordinarily, a Sequential Test would be required for any development on FZ3, to demonstrate that there are no other more appropriate sites for development, however, as this is an allocated site such a test would not be required as the sequential site assessment was undertaken in connection with the Local Plan.

The Technical Services Officer originally raised concern about the scheme as initially submitted but does not appear to have commented on the subsequent revisions. Further comments have therefore been requested prior to the meeting. The key issue is whether a pumping station can be avoided in line with current guidance which suggests that they should only be used as a last resort (in view of ongoing management responsibilities for residents and/or management companies).

Conclusion

The amendments to the application, resulting in the reduction of the scheme by 2 dwellings as well as a storey in height, are considered to be acceptable and will result in an attractive development in a sustainable location which will make a contribution to the District's housing requirements. Accordingly, it is recommended that permission be granted.

Subject to conditions (updated to reflect submission of additional information)

1. Approved Plans
2. Full Permission
3. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) ('Site2B Ropetackle North, Shoreham Waterfront, Old Shoreham Road, Shoreham, BN43 5FL – Flood Risk Assessment & Surface Water Drainage Strategy', dated October 2021, ref: MC0031 ADL Ropetackle 2B, by Meridian Civil Engineering Consultancy Ltd) and the following mitigation measures it details:

    - Habitable rooms shall be located above 6.3 mAOD, with the ground floors to only be used as non-habitable rooms (i.e. garages, storage and WC) (Sections 14.2, 15.11 & 15.13 of the FRA).

    These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

    The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

    Reason: To reduce the risk of flooding to the proposed development and future occupants

4. 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:

(1) 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.
(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
(3) The site investigation results and the detailed risk assessment (2) 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.
(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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.

5. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from transport noise has been 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 Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 and Calculation of Railway Noise 1995. The scheme should demonstrate good acoustic design, include full details of glazing, and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in Pro PG: Planning and Noise - Professional Practice Guidance on Planning and Noise- New Residential Development 2017 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

6. As this is an application within close proximity to the Shoreham Air Quality Management Area, the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2020):

   http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx.

   We expect an emissions mitigation assessment to be completed, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment. The emissions mitigation assessment must use the most up to date emission factors (available at http://laqm.defra.gov.uk/review-and-assessment/tools/emissions.html).

   Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. Reference should be had to the Adur/Worthing Air Quality Action Plan (available at https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/local-air-quality-management/#air-quality-action-plans).

7. 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 minimise 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

8. 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.

9. 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

10. Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual

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, doors, balconies, footpaths and ground floor patios of the building 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

    Reason: In the interests of visual amenity and to comply with policy 15 of the Adur Local Plan.

12. The development hereby permitted shall be carried out in full accordance with the Arboricultural Method Statement submitted by David Archer Associates dated January 2023 unless otherwise agreed in writing by the Local Planning Authority.

    Reason: In the interests of visual amenity and to ensure the retention of those trees identified to be retained within the Method Statement.

13. All hard and soft landscape works, including the works outlined in the Arboricultural Method Statement submitted by David Archer Associates dated January 2023, shall be carried out in accordance with the approved plans 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.

Reason: In the interests of visual amenity and the environment and to comply with policies 15 and 30 of the Adur Local Plan.

14. 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.

15. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

    Reason: To provide adequate on-site car parking space for the development.

16. 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 submitted to and approved by the LPA.

    Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

17. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

    Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.

Informatives

1. 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

2. The applicant is requested to note that Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionLondonSouthEast@networkrail.co.uk prior to works commencing

3. Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.