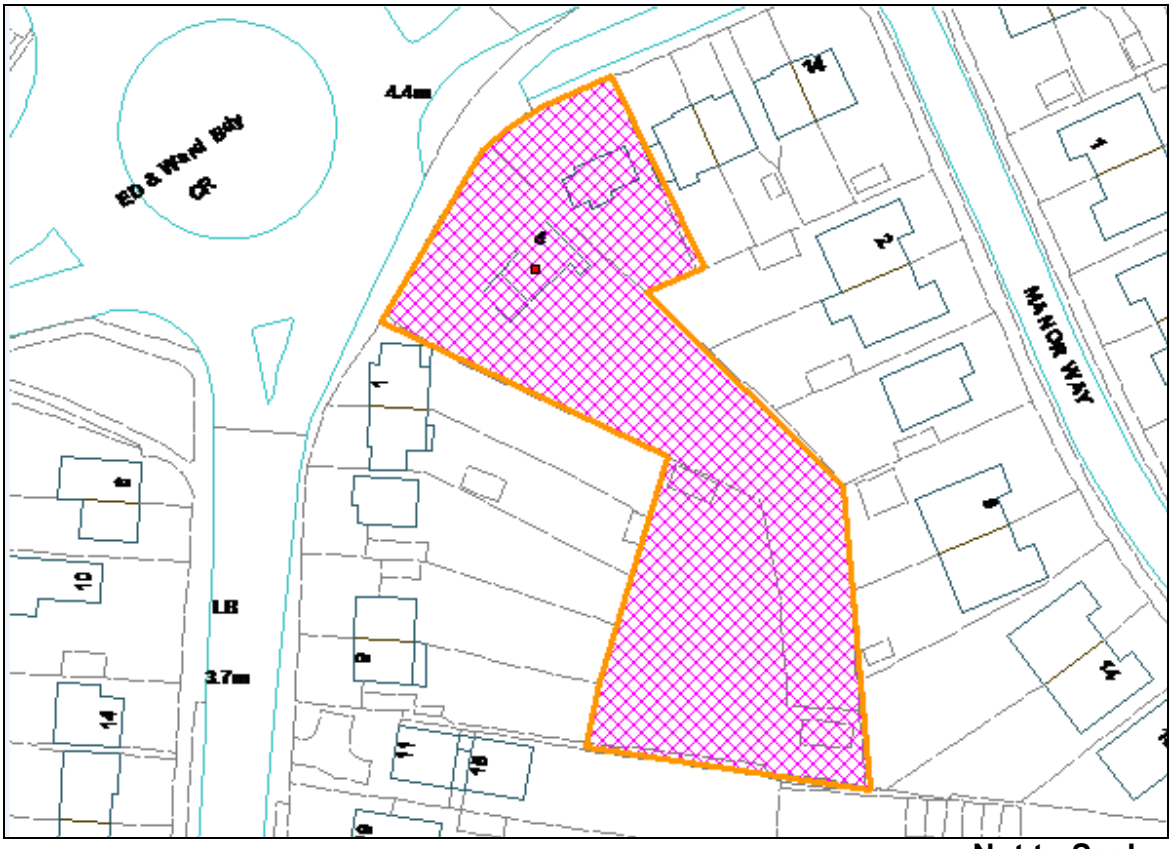
Application Number: AWDM/0829/14 **Recommendation – REFUSE**

Site: **4 Old Shoreham Road, Lancing**

Proposal: **Demolition of existing house at 4 Old Shoreham Road and erection of 2 semi-detached houses and 2 double garages to the rear. Closure of existing site access from the A27 roundabout and creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping**

Applicant: Mr L Claxton Ward: Mash Barn
Case Officer: Gary Peck



Not to Scale

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This application was deferred at the May meeting of the Committee to consider whether access could be retained to the roundabout in consultation with the County Council and Highways England, the necessity for the width and length of the internal access road to allow refuse vehicles to enter the site to be explored with the Waste Manager and to arrange a site visit prior to the application being reported back to Committee.

The previous report, which recommended approval of the application, is appended.

Update following May deferral

West Sussex County Council

There would be no objection to the retention of the access from the roundabout as the proposal would not affect the highway network under the jurisdiction of the County Council

Highways England

'In terms of the existing cross over this would be adequate for use by a single dwelling but if additional dwellings were to be placed upon the site then there would need to be an upgrade in the access in accordance with DMRB HD 41/95 [a document which contains guidance in respect of Trunk Roads] meaning an upgrade to a type 3 arrangement. This would effectively create a side road into the land forming a minor arm to the roundabout. This is likely to have implications on NMU users but would accept that there are probably no capacity concerns although safe operation would need very careful consideration. It's probably achievable although potentially difficult and likely to be a costly option for the applicant.'

Refuse & Recycling Manager

'As far as the plans shown here are concerned I see no reason why we would now need the access road or turning head. The two houses could be serviced from the slip road and/or Grinstead Lane with some consultation with the new residents.

I would be concerned that other housing development could be allowed in future at the southern end of the site. If this were to happen we would definitely need the access as previously agreed since the dwellings would be too far from the road to be serviced.

Without any access road at all and with only two dwellings agreed we would have no objections whatsoever.'

Applicant's agent

The applicant's agent expresses surprise at the change in direction from the Refuse & Recycling Manager and the County and National Highways Authority as had always been advised previously that the access from the roundabout is not acceptable and if

there is any increase in the number of dwellings provided and that the turning head for refuse lorries was a firm requirement.

The applicant's agent considers that the advice from the Planning department has been confused at best, incorrect at worst, for the past 9 years.

The agent subsequently confirmed:

'I have discussed the application with my client and can confirm that they do not wish to amend the scheme.

Please could your authority determine the current scheme which has no objections from Refuse and recycling, West Sussex County Council or Highways England.'

Updated Planning Assessment

The previous report is appended, but members will note a paragraph of particular note from the planning assessment:

While there is natural concern from neighbouring residents as to the extent and necessity of the turning head, it has nonetheless been deemed necessary to ensure that both domestic and refuse vehicles can turn off the public highway and exit the site in forward gear. As such, therefore, irrespective of any future development proposals, in considering this application strictly on its own merits the turning head is necessary.

As can be seen from the comments above, the Refuse & Recycling Manger has now altered his position and therefore a fresh assessment of the planning application is necessary.

It is acknowledged that the applicant's agent has expressed concern regarding this apparent change in the response from the Refuse & Recycling Manager. However, the comment that this advice has been inconsistent over the past 9 years cannot be considered justified, given that the original application at the site sought an additional 11 units, with subsequent applications also proposing an additional 9, 12, 11 and 8 units respectively, all of which would quite clearly necessitate a turning head on site. Even the current application originally proposed an additional 3 units, 2 of which would have been to the rear of the site and therefore still requiring a turning head according to the latest comment of the Refuse & Recycling Manager.

It is regrettable that since the application was reduced to 1 additional unit, the lack of necessity for the turning head was not identified sooner, albeit the specific question was as a result of the resolution of the Committee at the May meeting.

Irrespective of the previous discussions, the application again needs to be considered on its merits. Members will note that the applicant does not wish to amend the scheme and hence the turning area remains.

While, previously, your Officers were prepared to accept the length of the access road and turning head if it were essential to facilitate the development of the site, the assessment of the application becomes quite different if this is not the case.

The turning head extends over 60 metres from the entrance to the site and runs along the side of the neighbouring property to the east and close to the rear gardens of 3 of the properties in Manor Way. While this could be landscaped to reduce its impact to an extent, if there is no necessity for the access road and turning area then your Officers feel that any additional impact upon these properties is unacceptable.

Furthermore, the width of the access road for the most part is 4.8 metres to allow vehicles to pass safely. This means that the space available to landscape to the boundaries is reduced by virtue of the width of the road and there is an unnecessary amount of hardstanding created.

In the absence of any necessity for refuse vehicles to access the site, there is no justification for the width of the proposed access road and indeed given that the Refuse & Recycling Manager raises the possibility of the site being accessed by refuse lorries from Grinstead Lane itself, it is arguable whether there is any need for the access to extend beyond the proposed properties at all. In this respect, it is noted that the proposed dwellings are located on the western side of the site and therefore close to 1 Grinstead Lane, to allow for the access to pass by its eastern side. If there is no necessity for an access to the east, then the dwellings could be situated more centrally which would leave additional space to each side, which would result in a development far more cohesive in the street scene and having a greatly reduced impact upon neighbouring properties.

The applicant has indicated via his agent that he is unwilling to amend the scheme. There has been no reason given for this but clearly to amend the scheme on the basis of the improvements identified above would potentially eliminate the rear of the site for future development especially if the new dwellings were situated more centrally as suggested above.

The possibility of future development of the site to the rear, while the subject of major concern to many neighbouring residents, cannot be used as a justification to resist the current application which must be judged on its merits. Equally, though, the potential for future development should not act as a justification for allowing a substantial access road which is no longer required for refuse and recycling purposes. The applicant has not been willing to amend the application at all, yet there appears no reason in your officers view why, at the very least the access cannot be shortened and narrowed and the turning area removed altogether. Should the applicant subsequently wish to pursue a more comprehensive scheme, he would be at liberty to do so but as yet the concerns in particular regarding flooding and drainage have not been overcome in respect of such development and still those concerns are adequately met, then any such development remains unlikely.

In terms of highways issues, it is noted that the site could be accessed via the roundabout and this has been a preference of those who have made representations in respect of the application. While desirable to local residents, the alternative access via the A27 was not the subject of a technical objection from either the County Council or Highways England and in the absence of a desire from the applicant to alter the scheme, it is not considered justified to refuse the current proposal on highways grounds.

Conclusion

This has now become an application which is somewhat unusual in its determination. While the additional highways information cannot be used as a justification to resist the application, the revised comments of the Refuse & Recycling Manager do raise new considerations of amenity. For a scheme that proposes a single additional dwelling, a 60 metre access road of almost 5 metres in width with a turning head wide enough to accommodate refuse lorries can only be considered justifiable if there is a compelling necessity to facilitate a development. Because of the alteration in the Refuse & Recycling Manager's consideration of the case, that compelling reason no longer exists and therefore your Officers now take the view that the proposal cannot be supported in its current form.

Recommendation

REFUSE for the following reasons:

The proposal by virtue of the unnecessary length and width of the access road, provision of a turning circle and siting of the proposed dwellings fails to produce a high quality of development and would adversely affect the amenities of neighbouring residential properties. The proposal therefore fails to comply with the government guidance as set out in the National Planning Policy Framework, policy AH2 of the Adur District Local Plan 1996 and policy 15 of the Proposed Submission Adur Local Plan (2016)

8th August 2016

Appendix 1: Previous committee report, May 2016

Proposal, Site and Surroundings

The application which is the subject of the report was submitted in June 2014 and has been subject to a number of amendments and requirements for additional information in response to consultee comments. It will be also be seen from the planning history below that is the sixth recent application for development on the site, the previous applications having all been refused.

The current application was submitted in June 2014 and originally proposed 4 dwellings. During the consultation period, the Highways Agency (as then named, now Highways England) imposed a 'holding direction' which meant that the Council could not determine the application until additional highways information was submitted. Objections were also raised, in particular, regarding flooding issues and your officers also had concerns regarding the layout of plots 3 and 4 at the rear of the site.

Further plans were submitted in July, October and December 2014 but none overcame the necessity for a holding direction or the concerns of Officers and accordingly the application had to be held in abeyance.

In May 2015, a further plan was submitted deleting the proposed dwellings at the rear of the site and hence the application as altered to the demolition of the existing dwelling and the erection of 2 semi-detached houses and double garages to the rear. However, issues still remained in respect of highways and flooding issues.

In February 2016, a further plan was submitted with the development remaining at 2 houses, but the garages now becoming single garages and amendments to the turning head within the site made after consultation with the County Council as the Highways Authority and the Council's Refuse Section. The holding direction from Highways England has been lifted and accordingly the application can now be determined.

The application site includes part of the existing curtilage of number 6 Old Shoreham Road in order to facilitate the access the garages at the rear of the dwellings and the turning circle for refuse vehicles.

During the considerable delay in determining the application, the visual appearance of the site has worsened due to a fire last year which damaged a large section of the roof. Although it appeared that the existing house may have been occupied during the early stages of the application, the site has never been well maintained during the life of the application with the rear garden appearing overgrown while at one point a large container was stored in the front garden with some building materials alongside.

The application site is within the built-up area and the surrounding area is predominantly residential in character. Both numbers 4 and 6 Old Shoreham Road are detached two

storey houses, but the rear garden to number 4 is extensive and runs along the rear boundaries of properties in Manor Way and Grinstead Lane. Access to number 6 is currently provided by a service road which alongside the A27 as it reaches the Lancing Manor roundabout. The access to number 4 is currently directly onto the road but this would be closed under the current proposal.

The application site is visible from the roundabout and A27 albeit both numbers 4 & 6 Old Shoreham Road are lower in ridge height than the surrounding properties which front the road and are also partially screened at present by existing trees and foliage which few of the other properties in the area benefit from although this would largely need to be removed to facilitate the proposed access.

There is also a degree of screening in the rear part of the application site although the 5 houses in Grinstead Lane which run along the western boundary of the site are clearly visible. The roofs of the bungalows in Manor Way to the east of the site are also visible and in some cases part of the ground floor windows can be viewed too.

Relevant Planning History

There have been 5 previous applications on the site, all of which have been refused and the 2011 dismissed at appeal:

ADC/0467/06: Demolition of existing house and erection of 6 two-bedroom flats and terrace of 6 three-bedroom houses (two storeys including 4 with rooms in roof) served by new access road off end of service road (outline with layout and access details) – refused

ADC/0498/07: Demolition of existing house and erection of 4 No. 2 bed flats, 2 No. 2 storey 3 bed houses, 4 No. 2.5 storey 3 bed houses with associated access and parking (Outline application) – refused

ADC/0358/10: Demolition of existing houses (No's 4 and 6) and erection of 14 new dwelling units comprising 9 flats in 2 three-storey blocks (4 two-bedroom, 4 one-bedroom and 1 studio) at the north end of the site and 5 two-storey houses (4 semi-detached three-bedroom and 1 detached two-bedroom) served by new access road off end of service road and 23 car parking spaces – refused

AWDM/0361/11: Demolition of existing houses (No's 4 and 6) and erection of 13 new dwellings (comprising 9 flats in 2 three-storey blocks at the north end of the site and 4 semi-detached two-storey houses at the rear) served by new access road off end of service road and 23 car parking spaces – refused and subsequent appeal dismissed

AWDM/0004/13: Demolition of existing house at 4 Old Shoreham Road and erection of 5 flats in a new building at the north of the site and 4 houses on land to the rear. Closure of existing site access from the A27 roundabout and creation of a new access

road from Old Shoreham Road and associated vehicle parking and landscaping - refused

Consultations

Note: Because of the length of time since the application was submitted and the number of amendments made during the course of its determination, most of the consultees below have commented on the application on a number of occasions. In each case, the most recent comments relate to the plan currently under consideration.

West Sussex County Council Highways

April 2016: Recent comment of clarification:

I have received a number of emails regarding the response to the above site. As opposed to responding to each separately it's easier to send an overall summary email, which should hopefully clarify the position of the Local Highway Authority.

We have previously advised that we have no objection to the application; I've attached a copy of the formal report that was provided to Adur and Worthing in 2013. While I'm conscious that the development quantum etc. has changed, our position continues to be that of 'no objection, subject to conditions/S106 obligations'. As part of this a TRO is required to enable access onto the A27, as identified in the Road Safety Audit and requested by Highways England.

Alternative mitigation options were explored last year but the LHA did not consider the proposed arrangements acceptable, maintaining the position that the TRO is necessary. WSCC guidance sets out that informal consultation should be undertaken with statutory stakeholders as part of the planning process. This requires engagement with consultees such as the emergency services. This appears to have introduced some confusion and I understand that an application for full public consultation has been submitted to our TRO Team. I have spoken with our TRO Team and have asked them to put this consultation on hold as it is premature – it is important to keep the statutory processes relating to planning and TROs separate, to avoid procedural challenge on the TRO should it be made. Accordingly, they have agreed to hold the invoice for the TRO so no charge will be made at this time.

I have also spoken to the TRO Team at length regarding the requirement of informal consultation. Given that the TRO would reinforce guidance in the Highway Code and is likely to accord with our statutory responsibility for highway network management (should the development be permitted), on this occasion it is not considered essential to undertake the informal consultation. However and as with any TRO, there is no guarantee of success as it is subject to a statutory public consultation.

I have advised Adur and Worthing that no objection is raised subject to the TRO being secured by legal agreement or condition, as well as the other recommended conditions such as a construction management plan etc.

2013 advice referred in above comments

Summary

The Highway Authority raises no objection to the proposed development, subject to conditions and infrastructure contribution. The key findings of the review are as follows;

- Considered to be a sustainable location
- No material capacity impact
- Development not considered to be detrimental to safety on the Local Highway Network; the Highways Agency should consider any impact on the Trunk Road Network

Detailed Highways comment can be found below.

Report

Sustainability and Capacity
The Highway Authority has been consulted on several previous occasions regarding varying schemes at this location; whilst the schemes have been refused this has not been on highway grounds.

The site is considered to be situated in a sustainable location, with alternatives to private car journeys to a range of facilities/services.

The scale of the development results in a low vehicular generation that would not materially impact the capacity of the local highway network.

Access
It is acknowledged that local concern has been raised in regard to movement from the site access/service road onto the A27. It would appear from a swept path diagram of the junction that drivers, particularly those of large vehicles, would be expected to undertake a 3 point turn utilising Manor Way prior to entering the A27. Realistically, drivers of smaller vehicles will wait for a suitable break in traffic before negotiating the junction in a single manoeuvre particularly if using the junction on a regular basis.

An independent Road Safety Audit: Stage 1 has been undertaken on the proposed access arrangements. The audit has been completed in accordance with HD19/03, against the criteria set out within appendix (a) of the same document, by an auditor on the 'WSCC Accepted Auditor' list. No problems were identified at the junction.

The development is likely to generate 4 movements during each peak hour, at an average of 1 movement every 15 minutes. As such, the demand for the turning manoeuvre is infrequent. It should also be noted that the service road already serves a number of dwellings and that vehicles park along this road; therefore, such a movement can already occur. A review of accident data indicates that there have been no personal injury accidents as a consequence.

The proposal seeks to close the existing access onto the roundabout directly west of the site; given the restricted visibility from this access and the proximity to eastern entry arm of the roundabout it is anticipated that this is of benefit from a safety perspective.

Notwithstanding the above, the A27 is outside of the control of WSCC as the Local Highway Authority. As such, it would be appropriate for the Highways Agency, responsible for the Trunk Road Network, to consider and make comment on the proposed access arrangements as any impact is likely to occur on the A27 as opposed to the local highway network.

A Traffic Regulation Order is indicated in order to protect carriageway width at the junction with the A27 in allow sufficient room to turn and considered essential from a highway safety perspective. The Local Planning Authority might like to consider the impact of such proposals on residential amenity

August 2014: West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA) has been consulted on the proposed development of 4 dwellings on land south of Old Shoreham Road.

The LHA have been consulted on a number of applications at the site to which no objection has been raised. Given the status of the A27 as part of the Strategic Road Network the Highways Agency should be consulted for comment relating to the traffic impact upon this road.

A Road Safety Audit: Stage 1 has been submitted in support of the application. In accordance with HD19/03 the audit has a shelf life of 5 years and therefore an audit undertaken in 2010 is acceptable. Since the previous application and comments of the LHA a cycle route adjacent to the A27 including the conversion of the pedestrian crossing to a Toucan crossing and the extension of the footway to the west of the crossing has been agreed and is being implemented. In accordance with HD19/03, additional comment should be sought from the Auditor in respect of the changes to the highway in the vicinity of the site access.

West Sussex County Council as Lead Local Flood Authority

April 2016: WSCC, as a statutory consultee, comments on developments of 10 units or more. Hence we would not normally comment on a development of this size.

However, we, along with your Engineering Department, are aware of the existing drainage network within the area of the proposed development and the flooding problems that have occurred in the area. The proposed site, 4 Old Shoreham Road, Lancing, has a section of critical infrastructure i.e. a section of culverted watercourse running west to east across the site. It is important for the local drainage network that this section of pipe is protected during the development and that access to the pipe, via the existing manhole on the site, is maintained, both during and after the any development. Being a culverted watercourse the maintenance responsibility sit with the riparian landowner.

September 2014:

Modelled Flood Risk

The site is situated in an area susceptible to flood risk. With respect to flooding from rivers and the sea it is stated in Para 1.3 of the FRA submitted with the application, that the site is effectively in Flood Zone 1. The site actually lies in flood zones 2 and 3 according to the EA mapping, and irrespective of the construction of the new Adur Tidal Wall the site will remain within flood zones 2 and 3. With respect to surface water flooding, the site is within an area indicated as being susceptible to surface water flooding. The site is also within an area indicated as being at moderate risk of groundwater flood risk.

Historic Flooding

The site is included within our 'areas of historic flooding' records. Numerous surface water flood events are known to have taken place on or adjacent to the development site, as recorded at Section 5 of the FRA. This flooding is associated with surface water drainage routes from Grinstead Lane, direct surface water runoff and capacity issues with drainage channels heading west from the site.

During the winter of 2013/14 the site was severely affected by flooding, likely to be from a combination of surface water and ground water sources. The water depth on site was in excess of 300mm.

The site is crossed by two surface water drains; see para 4.4.4 of the FRA, one has been located and cleared by WSCC Highways in February 2014 and currently flows when required. This drain serves the highway drainage system in Grinstead lane and discharges to the ditch to the west of Manor Way. Para 1.7 of the FRA refers to the flooding incident that occurred in Grinstead Lane partially as a result of the drain crossing the Garden of number 4 being blocked, indeed OSC drawing 8660110 Site Plan, submitted with the application, refers to the drain incorrectly as disused.

WSCC require that the existing drainage pipe is protected should approval be given. WSCC also recommends that the existence and functionality of the other suspected drain be investigated, and this functionality protected. This is to ensure that any existing drainage function or flow route that currently exists is preserved, or if possible improved.

Proposed Drainage

We have concerns on a number of aspects with respect to the proposed drainage scheme for the development. Firstly the proposal indicates using permeable paving system on the roadways and parking to act as attenuation for the 100yr +30% CC volumes. This is then designed to drain slowly following the rainfall event.

The north of the site does have adequate infiltration rates to be considered suitable for soakaway use. However the southern portion of the site is not suitable for soakways due to the lack of infiltration. As the level of groundwater (probably a perched groundwater layer also affected by local springs) in the area can be high, and the site is low lying in relation to adjacent levels any system constructed at existing levels could be already at capacity before any storm. The road and floor levels are therefore proposed to be raised to take them out of groundwater (paragraph 8.2.17 of the FRA). Raising the ground levels the water that was stored within the curtilage may now be displaced to the surrounding areas.

The attenuated system would flow north to south due to the site topography, and even with the suggested baffles, the site drainage is reliant on infiltration to an area where (according to their own soakage tests) no infiltration can be achieved.

WSCC recommend that surface water disposal to ground through soakaways is only a suitable drainage strategy in the northernmost part of the site, or other locations where soakage tests can prove effective infiltration.

The second area of concern is that of using deep boreholes to drain the roof runoff from the proposed properties. The design calculations provided show that a chamber capable of storing 5.1 m3 of water is required, assuming this is a 1.2m diameter chamber that would require a 5 meter deep chamber, assuming a 2m diameter chamber that 1.6m deep in both cases you need to add half a meter for the pipework to prevent blockages of the borehole pipe and the brickwork to support the cover. At this depth there is the possibility of artesian pressure from the chalk actually causing backflow and filling the chamber. This would severely restrict the ability of the borehole to take additional roof runoff without increasing surface water risk on and off site.

The current geology of the area is that of deep chalk overlain by alluvium including clay. It is known locally that this alluvium acts as an aquitard restricting the height to which groundwater levels in the chalk can rise. Considering the spring line which exists along the base of the South Downs and the associated volumes of groundwater discharge, the potential for artesian flow out of the aquifer is high in this location. Currently it is not known to what extent the existing alluvium restricts upward flow. Installation of a permanent flow route to and from this lower chalk aquifer is considered to be a very high risk strategy and one that could result in an increase in groundwater flooding.

Due to this risk WSCC would recommend that deep boreholes are not appropriate in this location.

SUMMARY: The surface water drainage scheme for the proposed development has a number of features which WSCC believes are inadequate or unsuitable for the level of surface water and groundwater flood risk associated with this location.

Technical Services

March 2016: I have no specific objection to the development of the front of the site on drainage grounds but it is noted that the garden floods regularly and it is therefore highly likely that any future development to the rear of the site would be resisted on such grounds if any future application were to be received.

July 2015: Thank you for the opportunity to comment upon this application, the proposed site lies within Flood Zone 2 and 3 and is known to be affected by surface water flooding, ground water flooding and flooding from highway drainage.

Historical mapping shows a stream or ditch crossing the site, the alignment is close to that of the highway drain which links Grinstead Lane to the open ditch that runs south of the A27. This highway drain is a strategic drainage run.

The site is known to regularly flood over winter, so any proposed on site drainage tests need to be undertaken during the winter period.

The application is supported by an access statement dated, 17/06/15 which like the Flood risk statement is out of date.

The applicant has indicated the intention to use soakaways/ sustainable drainage for the disposal of surface water. It has already been confirmed that Sustainable drainage will only work if located towards the two proposed houses. Unfortunately it is precisely this location that the applicant found in his own words “a well or spring location”, which is not shown on the application.

The well / spring needs to be accessed to identify what it is. This should be undertaken during the winter months.

The current layout provides for a hammerhead, is this for future development? If so I cannot support the application. If however the applicant were to confirm that no development would ever be proposed in the “garden” then I think on balance the two properties could be supported.

But it should be noted that the WSCC Highways drain is not shown on the application and no reference is made to it, but by overlaying of plans the garage and road will clash, with the drainage run, which is known to be very shallow, this needs to be avoided or at least managed by WSCC.

The applicant needs to assess if the use of soakaways is viable on this site. The proposed location for the soakaway will need to be more than 5m from existing or new structures, and there will need to be a new soakage test undertaken at **that location** to ascertain if a soakaway will adequately empty. There appears from the drawings to be sufficient area to adequately site soakaways.

Therefore:

In the absence of any ground investigation details or detailed drainage details in support of the application although the applicant appears to have indicated his intention to utilize soakaways we request that should approval for this new build be granted it be conditional such that *'no development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority'*

Soakage tests in accordance with BRE Digest 365 (1991) would be required to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas. These soakage tests should be undertaken during the winter months**.**

Full design calculations should be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes, as required under planning policy.

The WSCC drainage run needs to be detailed on the applicant's plans and full development proposals need to be discussed with WSCC regarding access to and maintenance of this run, and any prohibitions regarding development proximity needs to be ascertained.

The well / spring location needs to be monitored over the winter period to see if there is an issue with ground water flooding at this location.

Overall the revised application lacks details, of known problems, and is ambiguous in its final agenda. I would prefer to see an access point between the houses to a hammerhead on which sits the garage complex and beyond that two long gardens. I still consider that the lower half of the site will always be affected by accumulations of ground and surface water, and should be allocated as green space / gardens.

August 2014 (summarised)

Comparing the previous site layout for AWDM/0004/13, for five flats and four houses, with the proposed site layout shown on AWDM/0829/14, it is clear that the impermeable area, arising from the proposed roads, roofs and hard standings for four properties is almost identical. There has been a considerable reduction in housing density between the two applications yet the impermeable area remains as a significant percentage of the available land.

In my opinion, the FRA contains several anomalies and unsupported statements. I do not think that adequate investigative work has been undertaken to fully understand the site specific issues or to identify the site constraints. I do not believe that acknowledgement of the poor infiltration figures are properly considered. The investigation of the existing drainage system that crosses or is contained within the site constraints is woefully inadequate, the admittance that other pipelines may exist and the lack of investigation to locate these is poor. I do not consider that the scheme and submissions adequately deals with the ground and surface water issues that affect the site.

Environment Agency

March 2016 ii: The Flood and Water Management Act 2010 has given the Local Lead Flood Authority and the Local Planning Authority responsibility for the management of local flood risk (surface runoff, groundwater and flooding from ordinary watercourses) and therefore we will no longer comment on these aspects of planning applications.

Based on our previous response (dated 9 March 2016) we recommend that this application is determined in accordance with the advice of the Local Authority drainage engineers, we have copied the LPA into this response and suggest you contact them directly to discuss this matter.

March 2016: No further comments to add to consultation response of September 2014.
August 2015: No further comments to add to consultation response of September 2014.

September 2014: After discussions with the drainage engineers at Adur & Worthing Councils and West Sussex County Council we are now in a position to amend our response dated 21 July 2014 (our reference HA/2014/115813/01-L01) as follows:

The Flood and Water Management Act 2010 has given the Local Lead Flood Authority and the Local Planning Authority responsibility for the management of local flood risk (surface runoff, groundwater and flooding from ordinary watercourses).

Environment Agency Position

It is clear the drainage engineers have grave reservations that this site can be adequately drained. We concur with their observations and recommend that this application is determined in accordance with their advice to ensure flood risk is not increased in accordance with paragraph 103 of the National Planning Policy Framework (NPPF).

In addition to the above, we have concerns about the potential for pollutants to be discharged directly to groundwater through the use of deep borehole soakaways. It is believed that the layer of clay below the site is acting as a barrier (aquitard) to the upward flow of deeper groundwater in the chalk, and if this layer of clay is breached (e.g. by construction of a deep borehole), it could cause an upward flow of groundwater

towards the surface. The groundwater would therefore rise in level in the borehole (become artesian) and this would result in pollutants from surface water discharging directly into the groundwater.

In accordance with our groundwater protection policy we will only agree to direct input of non-hazardous substances into groundwater if it will not result in pollution of groundwater. This is in accordance with paragraph 109 of the NPPF which states that new development should be prevented from contributing to unacceptable levels of water pollution. Therefore adequate pollution prevention measures will be required onsite to minimise the risk of discharging pollutants to groundwater.

Southern Water

March 2016: The exact position of the public water trunk main muse be determined by the applicant and all existing infrastructure must be protected. It is noted that there is a private surface water sewer within the site.

The application makes reference to Sustainable Drainage Systems (SUDS) and the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

A condition should be attached requiring details of the proposed means of foul and surface water sewerage to be submitted for approval prior to the construction of the development,

Refuse and Recycling Manager

March 2016: No objection providing no parking is allowed on the access road

July 2015: I note that the road layout has changed and there is no longer any turning head and on that basis I wonder how the developer envisages us accessing the site? Realistically that will necessitate a reversing manoeuvre or stopping on the roundabout, neither option would be something I would want to design into any scheme

Environmental Health

February 2016: No objection

August 2015: I would advise that the properties facing the A27 to the North of the site would be severely affected by road traffic noise and the applicant's previous application proposals for enhanced double glazing and a whole house ventilation system with heat exchange for dwellings with facades facing the A27 are appropriate. I would request that this be a condition of any permission given.

I would ask that a condition be placed on any permission setting the hours of construction and demolition given the proximity to other residential properties.

I would also ask that an informative be added to any permission advising that the developer contact Environmental Health for a Demolition Notice prior to any demolition work.

Highways England

October 2015: No objection subject to conditions

Prior to the receipt of the above comments, Highways England had issued a number of 'holding directions' which prevented the Council determining the application until the holding direction had been lifted.

Sussex Police

August 2014 (in response to comments regarding cyclist using the Pelican crossing)
Does not consider the increase in properties would have an adverse impact. Good quality street lighting nearby would reduce any dazzle and no accidents on such basis had been recorded.

Otherwise do not normally comment on developments of less than 10 dwellings.

Arboricultural Officer

I have taken a look at this site. The Willow tree at the Northeast is already gone, but the other trees at the front of the development are still there. The Silver Birch appears to be a fair condition tree, but its proximity to the drive way would see its root zone reduced.

As such with suitable new plantings I consider the loss of the existing trees reasonable.

Representations

Lancing Parish Council

September 2015: Object to the amended application. Although the original overdevelopment issue had been addressed, many of the previous objections were maintained. The garage access was likely to exacerbate flooding problems and surface water discharge methods would be ineffective due to the high water table. Traffic and pedestrian safety would be compromised at the service/slip road with the major A27. It was also felt that an ecology study should be undertaken.

July 2014: Although Committee felt that the overdevelopment issue had been addressed, it nevertheless voted by 5 to 1 abstention to still maintain its other previous objections to the proposal. It was Committee's contention that despite the lesser number of units proposed, any development would add to the flooding problems

currently experienced as the foul drainage and the surface water drainage networks were both inadequate. The other concern was that of traffic safety, which would be compromised at the junction of the service/slip road with the major A27.

Lancing Manor (S.E) Residents Network

March 2016: Draw attention to an accident on the pelican crossing and consider this highlights that another traffic flow at the access point to the A27 will only add to greater potential for such accidents. The community expresses its concerns that a permitted U turn manoeuver out of the site should not be allowed when there are so many different directional movements of vehicles and pedestrians.

September 2015: Resident have had difficulties in obtaining household insurance cover due to flood risk which will be exacerbated by the proposal.

March 2016: 9 letters of objection were received on the following grounds:

- Increased flood risk through new road layout and more buildings
- Practicality of the exit onto the slip road
- Increased danger to pedestrians
- A number of applications have been previously refused
- Applicant is trying to wear local residents down
- Latest plans represent the first phase of development
- Overdevelopment of the site
- Adverse impact upon wildlife and nature

July - October 2015: 37 letters of objection were received on the following grounds:

- The proposed dwellings are too close to the boundary with 1 Grinstead Lane
- The width of the access road is unnecessarily wide for the number of houses proposed
- Excessive clearance had taken part on the site and an ecology survey should be required
- Manoeuvring would adversely affect highway and pedestrian safety
- Increased flood risk
- Area of land at rear is being left open for future development
- Properties should access the A27 via the roundabout

July 2014

28 letters of objection were received which did not raise any different grounds of objection to those above but a number made reference at the time to overdevelopment of the site due to the greater number of dwellings then proposed.

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AH5, AB23, AB25-27 and Appendix 11 Supplementary Planning Guidance comprising Development Control Standard No.2 “Space around New Dwellings and Flats”.

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

Relevant Legislation

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

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 key issues in the determination of the application are the effect of the proposal upon the character of the area and the amenities of neighbouring properties, flooding and drainage and highway safety.

The application site has been subject of a number of refusals in the past and a dismissed appeal. Previous decisions are a material consideration in the determination of the current application although as amended the application is now substantially different from what was previously proposed. All of the previous applications included development to the rear of the site and the most intensive proposal on the site was for 14 dwellings in total including a mix of flats and houses. Number 6 Old Shoreham Road was also proposed to be demolished in previous applications. The current proposal retains number 6 and simply seeks to replace the existing dwelling with a pair of semi-detached houses.

Given the planning history of the site, it is quite understandable that a number of objections have continued to be received on the grounds that the proposal is a precursor to a future application to the rear of the site, particularly as the proposed access and turning head would allow such access to be gained. However, it must be emphasised that the current application must be determined on its own individual merits: any proposal to develop the site at its rear would need to be the subject of a future application which would have to be assessed on its merits at that time should an application be received.

While there is natural concern from neighbouring residents as to the extent and necessity of the turning head, it has nonetheless been deemed necessary to ensure that both domestic and refuse vehicles can turn off the public highway and exit the site in forward gear. As such, therefore, irrespective of any future development proposals, in considering this application strictly on its own merits the turning head is necessary.

Although it is not appropriate to assess at this stage what may be the relevant considerations if a future application were to be received for additional development at the rear of the site, it is considered that in the context of flooding and drainage to make reference to the issue. Flooding and drainage issues are of course of paramount importance in this particular area given the issues encountered by residents over recent years. Indeed, then the first application was submitted for redevelopment of the site, it is quite clear that such problems have worsened necessitating the submission of updated information as time has progressed.

The Environment Agency, West Sussex County Council and the Council's own Technical Services staff have been involved in extensive discussions throughout the determination of the application. Such discussions have largely led to the deletion of the two rear dwellings from the proposal and it appears quite clear to your Officers that the issues of flooding to the rear of the site have not been proven to be able to be resolved at this point. The detailed comments of the Council's Drainage Engineer will be noted above, especially his most recent comment:

I have no specific objection to the development of the front of the site on drainage grounds but it is noted that the garden floods regularly and it is therefore highly likely that any future development to the rear of the site would be resisted on such grounds if any future application were to be received

As such, the latter part of the comment is not directly relevant to the determination of the current application but it does provide context to why there is no objection on flooding and drainage grounds to the current proposals: the main concerns regarding flooding relate to the part of the site where new development has been removed from the proposal. On the basis of the proposals under consideration for this specific application, it is not considered that a refusal on such grounds could be justified. A culverted watercourse crosses the site and would potentially be affected by the end of the turning head. Measures to protect the watercourse would need to be secured by condition.

The other main issue of concern to residents has been on highway safety grounds. It should be noted that the County Council, as Highways Authority, have not raised an objection to the current application nor did they to the previous application on the site.

In respect of a particular concern expressed by residents, the County Council commented in 2013:

It is acknowledged that local concern has been raised in regard to movement from the site access/service road onto the A27. It would appear from a swept path diagram of the junction that drivers, particularly those of large vehicles, would be expected to undertake a 3 point turn utilising Manor Way prior to entering the A27. Realistically, drivers of smaller vehicles will wait for a suitable break in traffic before negotiating the junction in a single manoeuvre particularly if using the junction on a regular basis.

The County Council confirmed that they maintain their position of no objection to the development of the site. Given the lack of a technical objection on such basis and given that the quantum of development now is only for 1 additional unit, it is not considered that a refusal could be justified on highways grounds. Confirmation is waited from the County Council regarding the necessity for any transport infrastructure contributions. While Highways England originally imposed a 'holding direction' on the application, which prevented the Council from determining the proposal, this was a request for further detailed information from the applicant which took a significant length time to submit. Now received, there is no objection from Highways England and hence no reason to refuse the application on the effect upon the A27.

In terms of general visual character and the effect upon neighbouring properties, the site has not contributed positively to the character of the area for some time and following the fire at the site can now be considered an eyesore. The fact that a site has deteriorated in visual terms is not a reason in itself to grant planning permission and a mechanism exists under a Section 215 Notice where the Council can serve Notice on a landowner to improve the appearance of their site. In the absence of any acceptable redevelopment proposals, the Council would need to give further consideration to this course of action. However, the amendments to the scheme do appear in visual terms to be acceptable and will clearly result in an improvement to the character of the area.

The proposed dwellings will be set closer to the road than the existing to which there is no objection in principle, particularly as the dwellings on Grinstead Lane to the south west are set closer to the road. This will also reduce the impact of the dwellings on the rear aspect of 1 Grinstead Lane. Because of the corner nature of the site, the angle between the proposed dwellings and 1 Grinstead Lane is unusual. By setting the dwellings further forward, advantage is taken of the wider part of the site, hence reducing its effect to the rear where the site begins to narrow. There are no windows proposed in the side elevations of the proposed properties which can be secured by condition.

The site has been subject to a number of applications which have been found to be unacceptable. The current proposal, though, is for 1 additional dwelling and therefore significantly reduced from those previously submitted. While it is apparent that concerns regarding development to the rear of the site remain, these do not form part of the application now and would need to be the subject of a revised application in the future. It is not considered that there are any grounds to resist the current proposal and given the poor visual appearance of the site, the opportunity to redevelop the front part of the site will, in itself, benefit the character of the area.

Recommendation (to May meeting)

GRANT permission subject to the conditions below and subject to confirmation from West Sussex County Council regarding the necessity or otherwise for transport infrastructure contributions

1. Full Permission

2. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. In particular, details shall be submitted outlining how the culverted watercourse shall be protected during the development and that access to the pipe, via the existing manhole on the site, will be maintained.

   Reason: To ensure that adequate means of foul and surface water sewerage disposal are provided and that the watercourse is adequately protected.

3. No part of the development hereby permitted shall be occupied until the completion and opening to public traffic of the improvements to the A27 Trunk Road shown on Drawing No. 23 Rev A (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with Highways England on behalf of the Secretary of State for Transport)

   Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

4. No part of the development hereby permitted shall commence until the necessary Traffic Regulation order to implement the waiting restrictions at the junction of Old Shoreham Road with Manor Way shown on Drawing No. 124 has been made and approved and the local planning authority have obtained confirmation in writing from the local highway authority that they are in a position to implement the waiting restriction.

   Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

5. No part of the development hereby permitted shall be occupied until the waiting restriction at the junction of Old Shoreham Road with Manor Way has been implemented.

   Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

6. No part of the development hereby permitted shall commence until a Construction Management Plan has been submitted and agreed in writing by the Local Planning Authority (who shall consult Highways England on behalf of the Secretary of State for Transport). Construction of the development shall then be carried out in accordance with the agreed Construction Management Plan.

   Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 Trunk Road to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

7. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

   Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to policy AG1 of the Adur District Local Plan.

8. Prior to the occupation of the development hereby permitted details of enhanced double glazing and a whole house ventilation system with heat exchange for dwellings with facades facing the A27 shall be submitted and approved by the Local Planning Authority. The approved details shall be maintained thereafter.

   Reason: To protect the amenities of future occupiers of the dwellings

9. No development approved by this permission shall commence until full details for the disposal of surface water has been approved by the Planning Authority. Such details should include:

   Soakage tests in accordance with BRE Digest 365 (1991) to be undertaken on the proposed site to provide the data to ascertain the size of the soakaway required for the impermeable areas. These soakage Tests should be undertaken during the winter months.

Full design calculations to be provided for the soakaway soakage test result, and the ensuing soakaway and permeable paving designs, along with the rainfall calculations with the additional rainfall quantities appropriate for climate changes

Reason: to ensure the adequate disposal of surface water

10. No works or development shall take place until full details of all hard and soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

    Reason: In the interests of visual amenity and the environment and to comply with policy AB26-27 of the Adur District Local Plan.

11. No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority and the developement shall be completed in accordance with the approved schedule.

    Reason: In the interests of visual amenity and to comply with saved policy AH2 of the Adur District Local Plan.

12. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be undertaken between the hours of 8am and 6pm.

    Reason: To safeguard the amenities of the occupiers of neighbouring properties having regard to policy AG1 of the Adur District Local Plan.

13. 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 shall be formed in any side wall of the dwellings hereby approved

    Reason: To prevent overlooking and to comply with policy AH2 of the Adur District Local Plan.

14. The development hereby permitted shall be carried out in accordance with the following approved plans:

    Site Plan Drawing Number 0053.PL.060 revision J received 16 February 2016

Floor Plans Houses One & Two Drawing Number 0053.PL.160 revision B received 23 October 2014
Proposed Garages: Plan, Section and Elevations Drawing Number 0053.PL.167 received 26 May 2015
Elevations Houses One & Two Drawing Number 0053.PL.161 revision B received 23 October 2014
Existing Elevations Drawing Number 8860110 received 17 June 2014
Existing Site Plan Drawing Number 8860110 received 17 June 2014
TRO Drawing number 124 revision A received 29 July 2014
Site Layout Plan A27 Roundabout Alterations Drawing Number 23 revision A received 29 July 2014

Reason: In the interests of proper planning and for the avoidance of doubt

Informatives:

1. A formal application for connection to the public sewerage system is required in order to service this development. The applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk

2. The applicant is reminded of the necessity to contact Environmental Health for a Demolition Notice prior to any demolition work.

3. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

26th May 2016