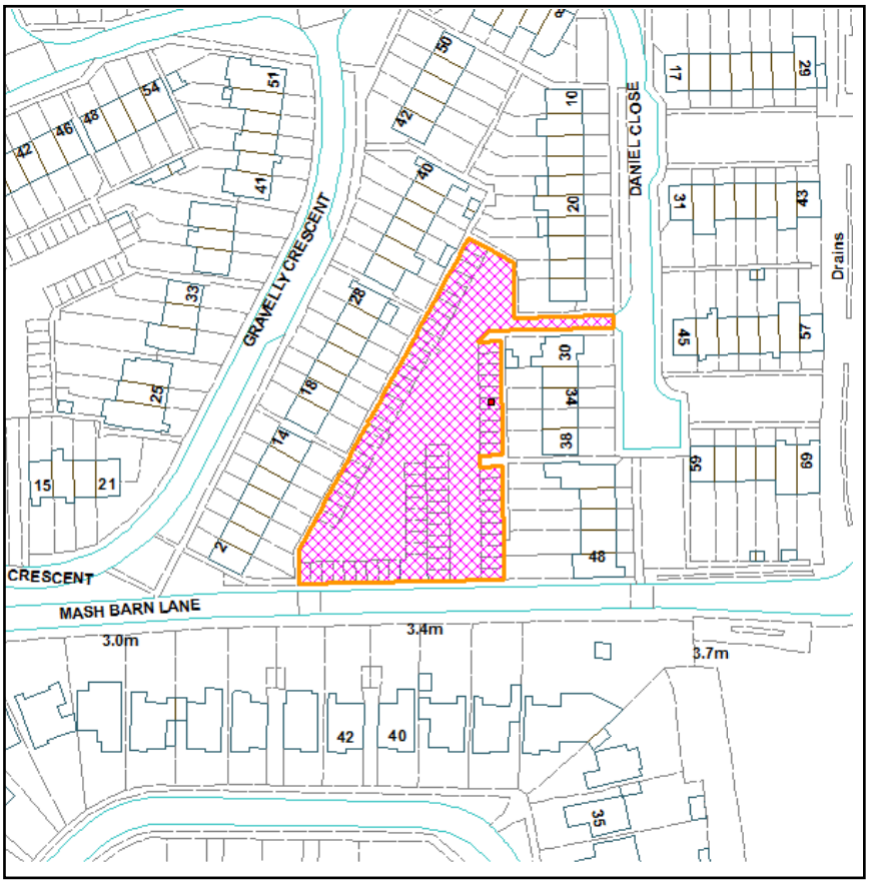
Application Number:	**AWDM/1727/23**	**Recommendation - Delegate the application to Head of Development for APPROVAL subject to confirmation with Southern Water regarding the required distance to the diverted sewer**
Site:	**Garage Block, 88 To 97 Daniel Close, Lancing**	
Proposal:	**Demolition of existing garages; erection of 9no. Dwellings and associated works. Application to Vary Condition 1 (plans) to previously approved AWDM/0827/22.**	
Applicant:	Adur District Council	Ward: Mash Barn
Agent:	Ms Niki Fisher, Boutique Modern	
Case Officer:	Gary Peck	



Not to Scale

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Proposal, Site and Surroundings

Planning permission was granted in December 2022 for the erection of 9 dwellings as part of the District Council's strategy for redeveloping garage sites with housing. Following the grant of permission, it has been decided to proceed with a modular form of construction. Although the general layout of the development remains the same as previously approved, with a block of 6 dwellings on the wider southern part of the site and 3 dwellings on the narrower northern section, both blocks are proposed to be re-sited just over 2 metres closer to the eastern boundaries of the site. As the blocks are very slightly larger in width than the previously proposed blocks, they would be re-sited just over 1 metre further from the western boundaries of the site than was previously the case. The blocks are not as deep as previously proposed, however, due to the omission of previously proposed porches.

In general, the design of the properties outwardly is similar to that previously approved although pv panels, which were shown only indicatively in the previous application, are now shown in their proposed location. The modular form of construction includes the use, for example, of brick slips which, it is stated, are manufactured and fired in just the same way as traditional brick but as a slip. Once applied and pointed, the exterior façade resembles a genuine brick finish appearance.

The number of parking spaces remains as previously approved. Internal access within the site is slightly altered primarily with a continuous access to the rear of the southern blocks rather than it being bisected by the two central rear gardens in the previous approval.

The application site is within the built-up area as defined by the Local Plan and is a roughly triangular plot accessed via Daniel Close with a frontage also to Mash Barn Lane. The existing garaging lines each boundary of the site as well as a block that projects centrally to the site. Although the site is not especially visible from Daniel Close, except from the access, it is become far more prominent to the south since the opening of the Brighton and Hove Albion training ground and its southern boundary mixture of rear brick walling to the garages and grey palisade is clearly visible from the eastern end of Mash Barn Lane.

The application site is surrounded to the eastern and western boundaries by 2 storey residential properties in Daniel Close and Gravelly Crescent respectively all of which are clearly visible from within the application site.

Relevant Planning History

AWDM/0827/22: Demolition of existing garages, erection of 9 dwellings and associated works granted permission in December 2022. The permission has not been implemented.

Consultations

Environment Agency

Initial comment:

In our response dated 12 September 2022 (ref: HA/2022/124314/02) we requested that the finished floor levels must be set no lower than 5.7 metres above Ordnance Datum (AOD) to allow safe refuge above design flood levels, however there are no plans showing the first floor finished floor levels for this variation of conditions request.

Upon the receipt of requested information:

We are satisfied that our previously recommended condition still applies, albeit with an additional reference to the submitted first floor plans. Therefore, we request that a condition is attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Southern Water

Southern Water has no objections to the above variation of condition 01. The developer is currently in consultation with Southern Water with regards to the sewer diversion agreement under reference DS_DOS-122073-DSA000000283. The public sewer diversion proposals need to be agreed and approved by Southern Water before commencement of works on site.

WSP (Council's Drainage Consultant)

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments. The applicant is applying to vary condition 1 (plans) of previously approved AWDM/0827/22 – the demolition of existing garages and erection of 9no. dwellings and associated works. Following a review of the submitted information, we have noted no change to drainage or flood risk and therefore would recommend the approval of the application.

UK Power Networks

We refer to the Planning Application for the above.

While we have no objections, points to note:

We may have Electrical equipment within the boundaries. And all works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices. There may be underground cables on the site and prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

Environmental Health

No objection - satisfactory investigations into any potentially contaminated land have already taken place.

West Sussex County Council

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been re-consulted on the above Discharge of Condition application (AWDM/1727/23) with regards to Variation of Condition 1 (plans) to previously approved AWDM/0827/22. There are no highway safety or amenity concerns relating to the new plans submitted; therefore, WSCC would raise no objection.

West Sussex Fire and Rescue

Having viewed the plans for the planning application no. AWDM/1727/23 erection of 9no. Dwellings and associated works. Application to Vary Condition 1 (plans) to previously approved AWDM/0827/22, evidence is required to show that all points inside all dwellings are within 45 metres of a fire appliance in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement. 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 BS8458 standard. Evidence is also required to show suitable access and turning facility is provided for a fire appliance in accordance with AD-B Volume 1 B5 section 13.

Lancing Parish Council

Supports the application

Representations

No comments received

Relevant Planning Policies and Guidance

Adur Local Plan 2017 - Policy 2: Spatial Strategy, Policy 3: Housing Provision, Policy 15: Quality of the Built Environment and Public Realm, Policy 18: Sustainable Design, Policy 20: Housing Mix and Quality, Policy 22: Density, Policy 28: Transport and Connectivity, Policy 30: Green Infrastructure Policy 31: Biodiversity, Policy 36: Flood Risk and Sustainable Drainage

Development Management Standard: Space Around Dwelling and Flats

National Planning Policy Framework (December 2023)

Technical Housing Standards – nationally described space standard (DCLG 2015)

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

During the determination of the previous application, the main issues in the determination were identified as the principle of development, the effect of the proposal upon the visual character of the area and the amenities of neighbouring properties, the loss of parking and impact upon highway safety and whether concerns regarding flooding and drainage issues have been adequately addressed.

Principle of development

The Council remains actively looking at redeveloping garage sites with other similar applications, including on this site, already having been approved by the Committee. It remains as a matter of principle, that as garage sites such as this are within the built-up area as defined by the Local Plan and therefore represent brownfield sites, they are the type of site which should be considered for redevelopment. The previous permission acts as a material consideration in the determination of this application and hence the application remains acceptable in principle.

Impact on the character of the area and amenities of neighbouring residents

As stated during the determination of the previous application, while the site is not particularly prominent in the street scene from Daniel Close, as it can only be viewed through the vehicular access to it, the site is certainly more prominent from Mash Barn Lane to the south with the area being opened up since the opening of the Brighton and Hove Albion training ground. It is considered that the garage site now represents an unattractive border to Mash Barn Lane and rather detracts from the visual character of the area. The function of the eastern end of Mash Barn Lane suggests that a frontage development in this location would now be a welcome enhancement to the street scene and accordingly it is concluded that the proposal would represent a visual improvement to the character of the area.

Within the site itself, like the other garage sites in the area, it has little visual merit. The triangular nature of the site results in long unbroken blocks of garaging, most of which have clearly aged and appear somewhat rundown. The redevelopment of the site, it was previously concluded, would clearly improve the character of the area and in the absence of material change in circumstances since the previous decision was made, there is little reason to take an alternative view regarding the revised application.

The application site is surrounded by existing housing on its eastern and western sides, the rear elevations of which face towards the single storey garages. This is not

a particularly attractive view for the reasons outlined above but the introduction of largely 2 storey dwellings will clearly greatly contrast from the existing situation as a result of the application proposal and therefore, as before, the impact upon existing properties needs to be carefully considered.

Guidance in respect of distances between buildings is primarily contained within the Development Control Standard relating to the provision of flats and dwellings. This requires that usually a distance of 22m is the minimum required between facing principal windows in order to retain sufficient privacy. Because of the orientation of the site, there is no face to face relationship between the proposed and existing dwellings. The existing dwellings in Gravelly Crescent face south east across the site, while those in Daniel Close face due west. The orientation of the proposed dwellings, however, is north-south and accordingly any overlooking would be at a more oblique angle. As with the previous application, therefore, there is no concern in respect of overlooking that could justify the refusal of the application.

In terms of the side elevations, where a principal window faces a solid obstruction a distance of 11m is normally required between the window and a single storey structure or 14m between a principal window and a two storey structure, in order to allow adequate light to enter the windows. New dwellings should normally be set at least a metre away from the boundary to avoid an appearance of overdevelopment.

The southern block of dwellings is over 19 metres from the rear elevations of the properties in Daniel Close at the nearest point and over 14 metres from the nearest dwelling in Gravelly Crescent, with the westernmost dwelling of the block comprising a single storey building. As this is the widest part of the site it is felt that there is comfortable scope to provide the proposed dwellings without an adverse impact upon the adjoining properties.

The site is more constrained to the north as the site narrows and therefore as per the previous approval 3 dwellings are proposed in the northern block, compared to the 6 units in the southern block. The previous application allowed for a distance of in excess of 12 metres to the nearest dwelling in Gravelly Crescent, again with a single storey element at the western end of the building while the eastern end of the northern block was given as 13.34 metres away from the nearest dwelling to the east in Daniel Close and therefore slightly below the Council's standard.

In the current application, the properties are proposed to be relocated further to the east by just over 2 metres. This improves further the impact upon the properties in Gravelly Crescent but consequently means that the easternmost dwelling is just over 11 metres from the nearest dwelling in Daniel Close, which is below the Council's normally required separation distance. Your Officers have queried the reason for this re-siting and have been advised that a sewer currently crosses the centre of the site and will need to be diverted to adjacent to the western boundary of the application site. Ordinarily, a clearance distance of 3 metres is required from the sewer to the nearest build development.

The guidance standard of 14 metres makes only reference to a 2 storey building but does not refer to the height of the building or its roof design. In this case, the nearest proposed dwelling has a hipped roof and a very low 30 degree pitch, reflecting the character of the existing surrounding dwellings which have similarly low pitched roofs.

Since the guidance was drawn up, the presumption to redevelop brownfield sites in preference to greenfield sites has increased and with such a presumption, it is ordinarily difficult to meet such a standard in order to provide sites capable of redevelopment, especially where there are site constraints such is the case here.

Moreover, the required sewer diversion will result in an improvement to the drainage conditions to the wider surrounds in an area currently at risk of flooding. Having regard to the wider benefits of the scheme, therefore, the proposal could be accepted on the basis of the proposed siting, however your Officers have requested that the applicant discusses the required clearance distance from the diverted sewer with Southern Water. If there is any scope to re-site the dwellings slightly further to the west, then this can be considered under delegated authority.

Loss of Parking and impact on highway safety

As with the previously approved application, but unlike the other applications for redevelopment of garage sites, there have been no representations regarding the loss of garaging and the consequent impact upon parking on the area. It was previously noted that there is some parking pressure in the area, but equally few cars appear to be parked within the garage compound itself, and accordingly there would not appear to be a likelihood of significant displacement to the road. The proposed car parking provision is unchanged which was previously considered adequate for the development. Having regard to the guidance of the National Planning Policy Framework that development should only be resisted on highways grounds when the impact is severe, and that there are no material change in circumstance since permission was previously granted, it is not considered that a refusal could be justified in this instance on such grounds.

Flood Risk and Drainage

The remaining issue relates to flooding and drainage. As with the Gravelly Crescent application, elsewhere on the agenda, this issue was considered in some detail during the previous application.

The previous report set out the national policy position, which is repeated here for the Committee's reference.

The National Planning Policy Framework (NPPF) stresses the importance of avoiding inappropriate development in areas at risk of flooding and where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere (para 160). As Members are aware the Local Plan undertook a sequential, risk based approach to the location of development which took in all sources of flood risk. However, in view of the extent of housing need and the scarcity of land the Local Plan still had to allocate land at flood risk (New Monks Farm and Western Harbour Arm). The lack of land within the District meant that there were no sequentially preferable sites that could be allocated instead of these sites and the Plan still resulted in a shortfall of over 3,100 dwellings. As this site is not allocated for development and falls within Flood Zone 3a there is a requirement for a sequential assessment to be undertaken as well as the exception test (set out below).

The application of the exception test should be informed by a strategic or site-specific

flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The sequential assessment requires a review of available sites for development with a preference for sites at lower flood risk to be developed first. The applicant (Adur Homes) undertook a review of all garage sites and those identified suitable for development are being progressed for development (including this site and the other garage site at Gravelly Crescent appearing elsewhere on the agenda). As such there are no other Adur Homes sites that are capable of redevelopment in areas of reduced flood risk. Although there is scope to redevelop all or part of the Southwick Estate this land is not available as existing residents would need to be relocated and this site is likely to be progressed through the Local Plan review. In terms of other potentially sequentially preferable sites your Officers have reviewed the brownfield sites submitted as part of Strategic Housing Land Availability Assessment (SHLAA) and have resolved that the only sites that are potentially available are coming forward for development anyway given the demand for housing within the District. These windfall sites were anticipated as part of the Local Plan process and as a result there would still be a significant shortfall of housing even if all sites came forward.

In terms of the exception test, as amended, the submitted Flood Risk Assessment (FRA) demonstrates compliance with the second part of the test and no objections have been raised by the Council's Engineers, the Environment Agency or previously from the Council's Safety and Resilience Manager.

Conclusion

The redevelopment of this site has the ability to improve the character of the area and provide much needed housing in a brownfield location. Because of the constraints of the site, a scheme has had to be very carefully designed to avoid any adverse impacts upon the amenities of neighbouring properties. The need to divert the sewer that currently runs across the site has resulted in a need to re-site the dwellings. While this re-siting could be considered as acceptable in its own right, the applicant has agreed to discuss with Southern Water if there is any possibility of allowing a slight re-siting closer to the sewer, in order to provide the optimum solution for the site. Subject to the outcome of these discussions, the recommendation is to grant permission for the proposal.

Recommendation

Approve

Subject to conditions:-

1. Approved Plans

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

3. 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.*

4. 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.*

5. 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.*

6. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

   Reason: *To avoid undue congestion of the site and consequent obstruction to access.*

7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (dated 10/08/2022, v1.8, Ref: 15945/02/HOP/SUDS) and first floor plans (Ref: P133-BMH-XX-01-DR-A-0011-Prelimenary-P14-Proposed FF Block Plan) and the following mitigation measures detailed therein:

   - Finished first floor levels must be set no lower than 6.7 metres above Ordnance Datum (AOD) to allow safe refuge above design flood levels.

   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.*

8. 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 toand 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.

   Reason: *To ensure the site is adequately drained.*

9. 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.

   Reason: *To ensure adequate maintenance and management of the surface water drainage system.*

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking and reenacting that Order with or without modification), no windows or other openings shall be formed in the eastern and western walls of the approved dwellings.

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

11. No works or development shall take place until full details of all hard and soft landscaping works (including the provision of bollards protecting the triangular green space) 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 Ref: AWDM/0827/22 others of similar size and species unless the Local Planning Authority gives written consent to any variation.

    Reason: *To ensure adequate landscaping is provided.*

12 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 roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved schedule.

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

13. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and reenacting that Order with or without modification), the proposed dwellings shall not be extended [or any incidental building over 5 cubic metres in volume erected within its curtilage].

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.*

14. The hours of construction to implement the development hereby permitted shall be limited to 0900 to 1700 hours Monday to Friday, 0900 hours to 1300 hours on Saturday and there shall be no working on Sundays or Bank/Public Holidays.

Reason: *In the interests of the amenities of neighbouring properties.*

15. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: *To ensure adequate means of foul sewerage and surface water disposal.*