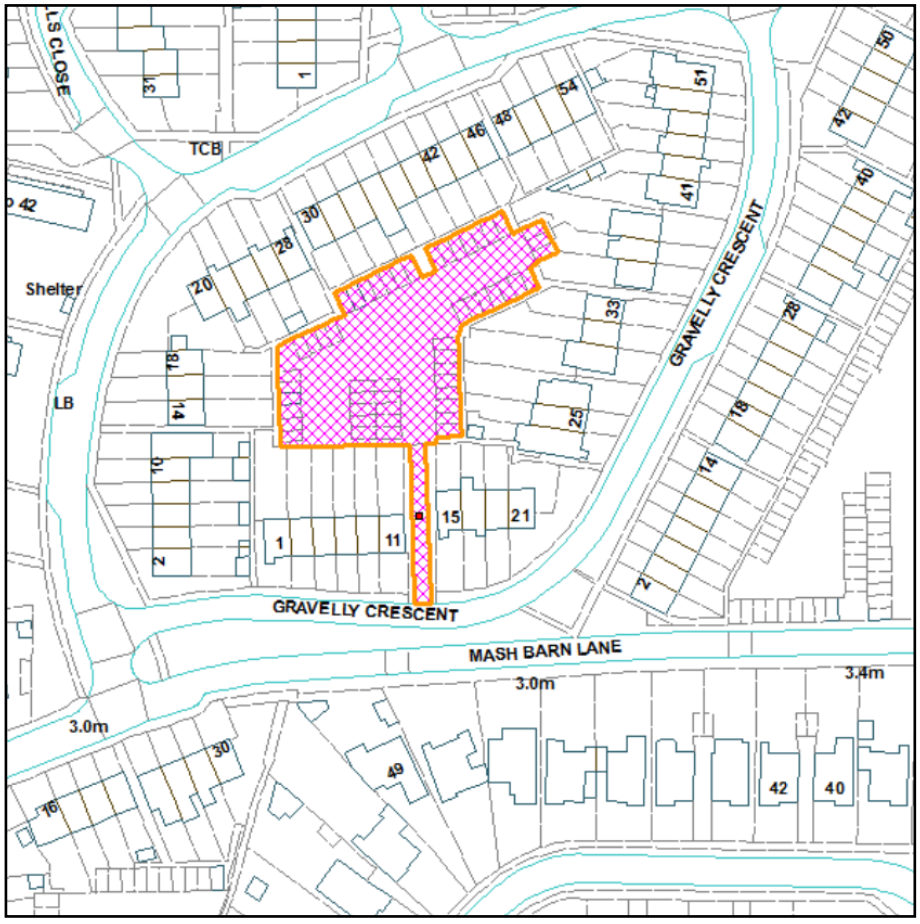
Application Number:	**AWDM/1728/23**	**Recommendation - Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from the Council's Drainage consultant**
Site:	**Garage Compound, Gravelly Crescent, Lancing**	
Proposal:	**Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent. Application to vary condition 1 (approved plans) of AWDM/2068/21**	
Applicant:	Adur District Council	Ward: Mash Barn
Agent:	Ms Niki Fisher, Boutique Modern	
Case Officer:	Gary Peck	



Not to Scale

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

Proposal, Site and Surroundings

Planning permission was granted in December 2022 for the erection of 7 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. The general layout of the development remains the same as previously approved, with a block of 4 dwellings on the western part of the site and 3 dwellings (including a bungalow) on the western section. The number of parking spaces (16) remains unchanged from the previous approval. Its design is similar, but brick slips will be used as the main external material and there will be some minor alterations in fenestration design.

The application site currently consists of 8 existing garage blocks in a backland location off Gravelly Crescent and Shadwells Road within the built-up area of Lancing as defined by the Adur Local Plan.

The site is an irregularly shaped plot with the blocks of single storey garages on all four boundaries of the plot, beyond which on all sides are groups of terraced 2 storey housing, with the longest block being to the north and smaller blocks to the south.

Vehicular access to the application site is gained between 11 and 15 Gravelly Crescent, and there are also various pedestrian accesses between the terraced blocks of houses.

Relevant Planning History

AWDM/2068/21: Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent - granted permission in December 2022. The permission has not yet been implemented.

Consultations

West Sussex Highways

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 Service

Having viewed the details for planning application no. AWDM/1728/23 for the Demolition of existing garages, proposed 7no. dwellings within two blocks with 16 parking spaces, access off Gravelly Crescent. Application to vary condition 1 (approved plans) of AWDM/2068/21; evidence is required to show suitable access to these new build properties can be achieved and a turning facility to enable a fire appliance to turn and make their exit conforms with the requirement of Approved Document B (AD-B) Volume 1 B5 section 13.

Environmental Health

The remediation strategy and the construction and environmental management plan for this development are acceptable.

Environment Agency

Thank you for consulting the Environment Agency on the above application to vary condition 1 (approved plans) of AWDM/2068/21.

We note that the submitted 'Proposed GF Block Plan' (drawing ref: P133-BMH-XX-00-DR-0013-P7, dated 14.08.2023) still includes sleeping accommodation on the ground floor of Plot 07. Therefore, our previous response on this matter still applies as copied below:

Thank you for consulting us in regard to the request to amend the condition previously recommended by us in our letter dated 6 April 2022. Specifically, the request is to amend the condition to allow for sleeping accommodation to be located on the ground floor of one unit (Unit 7 which is a bungalow) so that accessible accommodation can be provided as part of the proposal.

We appreciate that accessible accommodation is important and much needed in the area. However, we are concerned that a potentially vulnerable resident(s) could be housed in a site mapped within current day Flood Zone 3. On that basis, we are unable to recommend that the previously recommended condition should be amended to allow for Unit 7 to have ground floor sleeping accommodation. The Local Planning Authority can make their own decision as to whether to allow the proposal to proceed without further recourse to us if they are satisfied that any resident(s) of Unit 7 could be safe in a flooding event, and that any evacuation plan is adequate and approved by their emergency planners. If the Local Planning Authority is minded to amend the condition we would suggest that it is rewritten as follows:

Condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ('Sustainable Drainage & Flood Risk Assessment, Ref: 15945/03/HOP/SUDS, dated October 2022, V2.0, by HOP Consulting Limited) and the following mitigation measures detailed within the FRA:
• Internal access to the upper storey of the blocks/buildings is to be maintained for the lifespan of the development and all sleeping accommodation is to be located on the First Floor and above, except for one unit providing a wheelchair accessible, level access bungalow dwelling (sections 5.4 & 5.5 of the FRA).
These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Council's Drainage Consultant

Following a review of the submitted information, we have noted some changes to the drainage strategy. Therefore, we would recommend the objection of the application until an updated drainage strategy is received that confirms changes to surface water storage and calculations to demonstrate the changes will not increase flood risk.

Reason To prevent flooding in accordance with National Planning Policy Framework

paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Officer note: An updated strategy has been submitted and further comments are anticipated from the drainage consultant which will be reported verbally at the meeting.

Lancing Parish Council

Support the application

Southern Water

Following the review of the submitted documents, Southern Water would have the following comments to make for variation of condition 01: The developer is currently in consultation with Southern Water with regards to the proposed sewer diversion (reference DSA000031124). The detail of the proposed diversion needs to be agreed and approved by Southern Water before implementing on site.

Representations

1 letter of objection stating:

I was generally in favour of these plans previously, however now my enthusiasm is lukewarm and I'm feeling that this is over development bringing an excessive amount of noise, disturbance and traffic.

I'm extremely concerned about the following, as I live adjacent to the site entrance and very close to the southernmost house.

Proximity of the houses to existing properties, in my opinion, they are far too close.

Loss of light and privacy, I strongly believe that the southernmost house should be a bungalow (as is the most northerly house). It blocks light to our homes, is extremely close and I lose privacy as it overlooks my garden

Noise created by air source heat pumps. This is an extremely quiet and tranquil area, especially at night and I believe this will be impacted heavily by noise from these heating systems from 7 houses running 24/7.

Domestic rubbish disposal, how will the bin wagon collect rubbish from these houses? I'm very concerned that this isn't possible. I want to know detailed information on how it is proposed that rubbish is collected from these properties and nobody is providing answers or plans.

How is it proposed that rubbish and recycling is collected from the properties.

From a safety point of view, I would like to see evidence that a fire engine can enter the compound and turn around safely.

I also strongly object to the site hours of 8 am to 1 pm on a Saturday. I feel this is unreasonable. This will impact residents' enjoyment of their amenities at weekends. It's not acceptable to work from 8 am on a Saturday morning, as undoubtedly, this will start much earlier with traffic and workers arriving etc.

I have a child doing A-levels who needs time to study and rest and I worry that this will be severely impacted.

I work from home full time and I'm concerned about noise levels and disturbance during this time. Plus it will limit opportunities for advancement, and impact on work I can commit to within my organisation due to this.

1 letter commenting:

How will you ensure the safety of residents and their guests entering/exiting properties 15 and 11?

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 identified in the determination of the application were 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 has been actively looking at redeveloping garage sites for some time with permissions already granted at other sites and at St Giles Close, Shoreham, the development of the site has recently been completed. Given that the garage sites such as this are within the built-up area as defined by the Local Plan and represent brownfield sites, they are the type of site which should be considered for redevelopment, especially considering the difficulty in meeting the housing needs of the District due to its physical constraints of being located between the National Park and the sea. The previous permission, which is still valid, is a material consideration in the determination of the application and accordingly it is not considered there is any objection in principle to the proposed development.

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

The application site is not particularly prominent in the street scene as it can only be viewed through the vehicular access to the site from Gravelly Crescent. Within the site itself it is of little visual merit and its somewhat irregular plot added to the many blocks of separate garaging provides an unappealing layout with many narrow passageways between and behind the garaging. It was concluded previously that, in pure visual terms, the redevelopment of the site would clearly improve the character of the area.

As with the other garage sites previously considered by the Committee, however, the application site is surrounded by existing housing, the rear elevations of which presently face towards the single storey garages. It was noted during the consideration of the previous application that while this is a not particularly attractive view, the introduction of largely 2 storey dwellings would clearly greatly contrast from the existing situation as a result of the application proposal and therefore the impact upon existing properties needed 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. Where a principal window faces a solid obstruction a distance of 11m is 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.

Taking the proposed western block first, the nearest residential properties to the west in Shadwells Road have reasonable rear gardens of about 14 metres in length. The previous permission proposed a distance of 25 metres between the properties which complies with the guidance and was therefore considered to be acceptable. This is maintained under the current proposal and so remains acceptable.

Further residential properties are to the south of the proposed block and, as with the original permission, concern has been raised from one of the residents in this block as to the impact of the proposed development by way of an overbearing impact and overlooking. Taking the latter point first, there remains no windows proposed in the facing elevation concerned, and this can be controlled by condition, therefore no overlooking would occur. A PV panel has been added to the southern facing roofline but this is not considered an uncommon feature in an urban location. There has been a very minor re-siting of the proposed dwellings, such that the southernmost dwelling is 0.3 metres closer to the southern boundary. The distance between the proposed dwellings and those existing to the south remains above 16 metres and therefore exceeds the Council's standard of 14 metres. As previously, therefore, the relationship is considered to be acceptable.

The dwellings to the north sit at an angle to the proposed western block and therefore the relationship is not as direct between the side and rear of the buildings. At the rear corner point of the northernmost proposed dwelling in the block, the previous permission allowed for a separation distance of just under 14 metres. The northernmost dwelling now has a slightly greater footprint (extending over what would have been an irregular shaped side garden previously) and hence the separation distance has now been reduced to under 12 metres in the current proposal. Since the site tapers, though, this distance is represented by only one corner point of the building and increases towards the front of the building. The Council's distance standard relates to a direct face to face relationship and as such is not applicable in this instance. The re-siting of the proposed dwellings is not considered to have a material impact on the amenities of neighbouring properties, therefore, and the relationship is still considered to be acceptable.

The eastern block is in a more constrained location as the application site is narrower and the gardens serving existing properties in Shadwells Road to the north are shorter at 10 metres in length. Previously it was recognised that it would not be possible to meet the 14 metre side to the rear distance with the proposed quantum of development if the northernmost dwelling on this block were a dwelling. It remains the case that a bungalow is provided to the northern end of the block, (where the relevant standard is 11 metres). The proposed siting of the dwellings compared to the previous approval remains unchanged and as previously the standard is very slightly breached (by less than half a metre). In light of the previous approval, there would be no grounds to resist the proposal. There are no windows proposed in the northern elevation of the bungalow, and its proposed hipped roof further reduces its impact upon the dwellings to the north and hence its impact is considered acceptable. Beyond the bungalow, there will be 2 further houses proposed but would far exceed the required standard of 14 metres between side and rear dwellings.

Because of the angle of the application site and its relationship to the nearest dwellings to the east, there is a comfortable distance on this side with the middle dwelling of the 3 having a rear garden in excess of 17 metres in length. As the rear gardens serving

the existing properties to the east are in excess of 10 metres, the required overlooking distances are again met.

Because of the angle of existing and proposed dwellings, there is a more oblique relationship with the dwellings to the south east. The shortest distance between dwellings remains at 18 metres at an oblique angle and while the garden of 33 Gravelly Crescent is that which is closest to the application site, it will border a rear garden of the new development with the proposed dwelling itself being sufficiently further away for there to be no adverse impact.

Accordingly, having regard to the previous permission, it is not considered there would be an adverse impact upon existing neighbouring properties and the application is considered to be acceptable in that regard.

Loss of Parking and impact on highway safety

Concern has been raised previously regarding the loss of garaging and the consequent impact upon parking on the area. It had been consistently found during surveys of the garage site that few of them are used for parking due to their size being too small to accommodate modern cars and there is no reason to suggest that the situation has altered since permission was previously granted.

As previously, the proposed development would be served by 16 spaces which is considered adequate for the development and 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, it is not considered that a refusal could be justified in this instance on such grounds.

Flood Risk and Drainage

The issue of flood risk and drainage was considered at some length during the previous application.

As explained in the previous committee report, 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 previous committee report noted:

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 Daniel Close 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 SHLAA 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 our Engineers and the Environment Agency. The amended FRA provides sufficient comfort that the development would be safe from flooding over its lifetime and avoids increasing flood risk elsewhere.

Concerns were expressed previously about the inclusion of the single storey dwelling proposed on the site and the Environment Agency previously recommended that comments were sought from the Safety and Resilience Manager who subsequently confirmed that he raised no objection to the scheme. In light of the previous permission and there being no material change in circumstances to the type and siting of the unit proposed, it is considered that subject to the imposition of a suitable condition there would be no grounds to resist the proposal on this basis.

As a consequence of the slight alterations to the scheme, the Council's drainage consultant commented that the drainage strategy should be updated accordingly. This has now been done and Members will be updated verbally of any further consultation response.

Other matters

It is considered that the other matters raised within the representations can either be covered by condition (by way of a Construction Management Plan) or by other legislation such as Building Regulations or Environmental Health. The point about refuse and recycling is noted, however, and while there was not a condition imposed previously, it is considered appropriate that a condition be imposed on this occasion.

Recommendation

Delegate APPROVAL to the Head of Development subject to the receipt of satisfactory comments from the Council's Drainage consultant.

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 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. The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:
   the anticipated number, frequency and types of vehicles used during construction;
   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;
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.

Reason: *In the interests of highway safety and the amenities of the area.*

7. 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, andthe 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.*

8. 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.*

9. 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.

Reason: *To ensure that any contamination risks identified on the site are adequately identified and mitigated.*

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (‘Sustainable Drainage & Flood Risk Assessment, Ref: 15945/03/HOP/SUDS, dated October 2022, V2.0, by HOP Consulting Limited) and the following mitigation measures detailed within the FRA:
• Internal access to the upper storey of the blocks/buildings is to be maintained for the lifespan of the development and all sleeping accommodation is to be located on the First Floor and above, except for one unit providing a wheelchair accessible, level access bungalow dwelling (sections 5.4 & 5.5 of the FRA).
These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To ensure adequate mitigation measures are provided in an area at risk of flooding.*

11. 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 northern and southern walls of the approved dwellings. Ref: -AWDM/2068/21

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

12. 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: *To ensure adequate landscaping is provided.*

13. 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 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.*

14. 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 dwelling 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.*

15. 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.*

16. 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.*

17. No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the adequate provision for refuse and recycling facilities.*