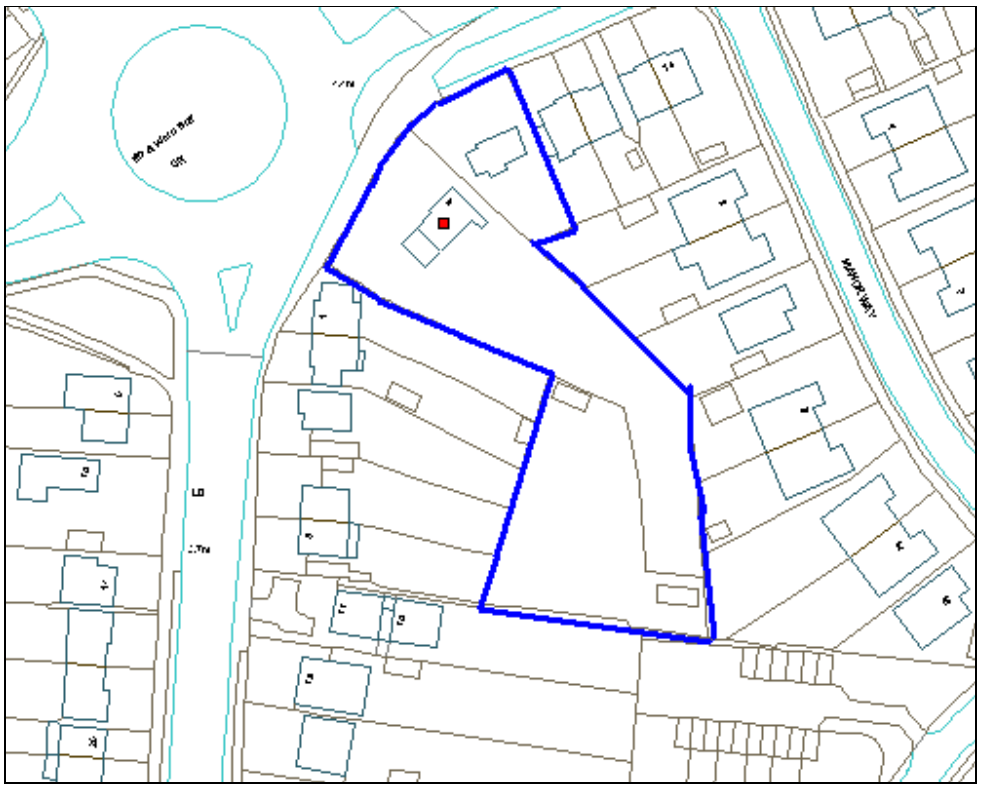
Application Number: AWDM/0004/13 Recommendation – REFUSE

Site: 4 Old Shoreham Road, Lancing

Proposal: 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

Applicant: CLC Properties Ward: Mash Barn
Case Officer: Gary Peck



Not to Scale

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Proposal, Site and Surroundings

This application seeks full planning permission for the demolition of the 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. It is also proposed that the existing site access from the A27 roundabout is closed and replaced by the creation of a new access road from Old Shoreham Road and associated vehicle parking and landscaping

As detailed in the planning history below, a number of applications have been previously submitted on the site, the most recent of which was dismissed at appeal in September 2012. Unlike the most recent application, the current proposal involves the demolition of just no. 4 Old Shoreham Road, whereas the previous application also proposed the demolition of no. 6 Old Shoreham Road which is now to be retained.

The proposed block of flats would therefore be sited between no. 6 Old Shoreham Road and 1 Grinstead Lane which is to the south west. The access road serving the development would run in between the proposed flats and no.6 to serve the 4 proposed houses at the rear.

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 by existing trees and foliage which few of the other properties in the area benefit from.

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 4 previous applications on the site, all of which have been refused and the most recent application 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

Consultations

Environmental Health: The precautionary land contamination informative should be imposed. Since the properties would suffer adverse effects from traffic noise details of double glazing and ventilation systems should be secured by condition. It would also be necessary to secure the proposed hours of construction by condition and the applicant should be advised to contact Environmental Health for a Demolition Notice prior to any demolition work.

Technical Services: comment as follows:

The site lies within Flood Zone 2 and 3. Whilst the EA plans suggest the site is unaffected by Surface Water flooding there is recent evidence to the contrary. The site is also prone to Ground Water flooding.

This application is a variation to the refused application AWDM/0361/11, upon which I commented.

In view of the extensive and prolonged flooding from Surface Water run off, Ground Water and Sewage, experienced by residents all round this site, over the Christmas period (and currently) I consider that I should retract my comments made for the previous application.

The Flood risk assessment is out of date it does not reference the most recent flooding. The Southern Water foul sewerage system was completely overwhelmed due to surface and ground water infiltration causing the Grinstead Lane pumping station to fail. This coupled with the rising ground water caused backing up of several properties toilets, and flooding to gardens and the highway with sewage.

The current plans do not indicate the presence of the 600mm or a 300 mm surface water drain that crosses the site taking water from north of the A27 to the surface Water ditch system behind Old Shoreham Road.

With Ground Water levels so high this year (which is apparently a repeat scenario of only two or three years ago, information that I was not party to

previously,) it is obvious that soakaways are inappropriate, it is also evident that the gradient of the existing ditch system which conveys flow to the outfall adjacent to the Dogs Trust on the A259 is so slack that adding additional flow from this proposed development via the surface water drains would be detrimental to the existing Residents.

Badger Trust: Mitigation measures would be required to ensure there are no adverse impacts upon badgers

Environment Agency: Comment as follows:

"In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reason:

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide in the National Planning Policy Framework (NPPF). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular:

1. The FRA fails to take into account the extensive surface water drainage problems experienced in the area over Christmas 2012. Whilst the FRA acknowledges there have been flooding problems in the past, it assumes that these have been resolved.

2. The FRA states that surface water will be disposed of to soakaway. No design data or results of permeability testing have been submitted. Given the above (1.), it is unclear whether the site can be drained adequately. For your information we would recommend infiltration rates for soakaways to be based on permeability tests undertaken over the winter period and not those done during the drier months.

This objection is necessary to ensure the development complies with the principles of the NPPF.

We are aware that we previously accepted the submitted FRA and did not object to the proposal to develop at this location at that particular time. However, given the extensive problems experienced in this area over the Christmas period, we feel the submitted FRA should better assess this."

The applicant, upon reviewing the comments of the Environment Agency requested that the issues raised could be overcome by condition rather than being a reason for refusal. Your officers requested further comments from the Environment Agency who stated:

“We objected to this application as an inadequate Flood Risk Assessment (FRA) had been submitted with the application

We are aware of the extensive flooding in the area over the Christmas period which was largely due to inadequate drainage and high groundwater levels. We understand this site was also affected by flooding.

We therefore have reservations whether soakaways would be effective for this site, and no information has been submitted to address this concern. We would therefore maintain our objection on the basis of inadequate FRA, however we would be happy to review this should additional information be submitted.

We would recommend that groundwater monitoring be carried out over the wet winter period to establish groundwater levels. In addition the FRA should include information on the most recent floods in the area.”

Highways Agency: No objection subject to conditions being imposed.

Lancing Parish Council: Comment as follows:

Whilst Committee noted that some efforts had been made to improve the development, it still objected to the application on the same grounds that it had done previously i.e. it is considered to be gross overdevelopment and out of character with the existing buildings; There were concerns about the adjacent properties being overlooked; The number of additional traffic movements to and from A27 was considered to be dangerous and the detrimental effect that the increased surface and foul water discharge from the development would have on the existing and extremely fragile network which had recently been proved to be inadequate.

Southern Water: A formal application for a connection to the public foul sewer will need to be made

Sussex Police: Express disappointment that no reference is made to crime and prevention measures in the Design & Access Statement. The development in the main has outward facing dwellings which create good active frontages.

West Sussex County Council: Comment as follows:

The Highway Authority raises no objection to the proposed development, subject to conditions and infrastructure contributions. 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.

'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 they use the junction on a regular basis.

Having visited the site and undertaken the manoeuvre as part of my review of the proposed development I am sympathetic of the local concern. However, 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 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 result of such a movement.

The proposal also 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

A transport infrastructure contribution of £19,100 would be required were permission to be granted.'

Following the receipt and publication of the County Council's comments, the Lancing Manor Residents Association raised concern about the response from the County Council. As a result, the County Council was asked for any further observations and a summary of these is set out below:

'We have a process to assess the safety impact of development proposals and this application has followed the correct procedure. It satisfies the relevant policies on RSA's, has been safety assessed in accordance to DfT guidelines and, as an existing access, there are no personal injury accidents to indicate a safety issue that would be exacerbated by the proposal.

However, given the local concern, there might be some worth in requesting that the Applicant provide clarification from the Auditor that they are satisfied that turning onto the A27 can be done so in a safe manner with consideration given to the possibility that residents might choose to make a 180 degree turn onto it. There is no mention made of the movement in the Audit which indicates that the Auditor does not consider it to be of sufficient importance to warrant attention, but I think questions will continued to be asked until such confirmation is provided. The findings of the RSA would direct our position on safety for the most part; if it has been audited following National/Local guidance, by accredited Auditors with an appropriate scope then there is very little room for a technical objection to be raised on safety grounds.

Given that the access is onto the A27, as the Local Highway Authority we wouldn't comment on the safety impact of the proposal on the A27 and that would instead be the responsibility of the Highways Agency, should they wish to raise concern. We raise no objection to the access arrangements that are within the local highway network.'

Representations

25 letters of objection from addresses in Old Shoreham Road, Manor Close, Manor Way and Grinstead Lane have been received on the following grounds:

- constant applications have been submitted in an attempt to wear down opposition
- overcrowding
- increased risk of flooding

- adverse impact upon drainage and sewerage
- the development is out of character with the surrounding area
- adverse impact upon highway safety
- increased traffic
- previous applications have been refused for reasons which still apply
- there are no other blocks of flats in the area
- loss of privacy
- adverse impact upon wildlife
- the ecological study is out of date
- no different from previous applications
- loss of trees/foliage
- existing lack of parking will be worsened
- poor pedestrian access
- the site is close to a roundabout which is the gateway to Lancing
- backland development

Lancing Manor Residents Association has objected on the following grounds on behalf of local residents:

- overdevelopment of the site: no change from previously dismissed applications
- the design of the proposal remains out of keeping with the character of the area
- there is an increased risk of flooding particularly as drainage culverts cross the garden of the application site
- adverse impact upon highway safety
- lack of parking in an already congested area
- loss of privacy and daylight
- loss of visual amenity
- construction plan should be part of the application and not left to be secured by condition

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”.

Good Practice Guidance Note: Internal Space Standards for New Homes (ADC 2010)

National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

Since the site is within the defined built-up area and is located in a predominantly residential area with good access to local services, there is not an objection in principle to the development on the site. Nonetheless, is as required in local and national planning policy, any such development must not adversely affect either the visual character of the area or the amenities of neighbouring properties.

Visual & residential amenity

In terms of the impact upon the character of the area, it is considered that the Inspector's comments in respect of the last appeal set the context for consideration of the application. He stated in paragraph 9 of his decision letter:

'The proposal would be a backland type development and would generally be at a higher density than development in the locality…owing to this, and in addition to the number and size of built structures and hardsurfacing, the proposal would result in a generally denser and tighter development on a more limited site than is characteristic in the locality. For these reasons, I consider that the proposal represents an overdevelopment of the site…'

With regard to the apartment block previously proposed, at paragraph 10, the Inspector stated:

'The proposed three storey blocks of apartments, would be prominently positioned at the front of the appeal site…the limited space to the side and front of the blocks, and their proximity to the street, particularly on the corner near to 1 Grinstead Lane, would add to their apparent size and result in an uncomfortable relationship with the adjacent development.'

In relation to the development at the rear of the site, at paragraph 13, the Inspector noted that the northernmost pair of proposed houses would be close to the boundaries of properties in Grinstead Lane. The Inspector noted:

'…their limited rear gardens, compared with surrounding development, and their proximity to the rear boundaries with properties in Grinstead Lane, in addition to the access road, car parking and hardsurfacing, would create a cramped form of development. This would be out of character in this locality.'

It is acknowledged that the applicant has made some attempt to overcome the Inspector's concerns but, apart from the retention of No. 6 Old Shoreham Road in lieu of the previously proposed 2nd block of frontage flats, the overall quantum of development has changed little over the rest of the site. Given that the Inspector's comments were made with regard to current national planning policy, it is considered that they are a highly relevant material consideration to the determination of the application.

In relation to the rear of the site, there is little apparent change in footprint or the design of the properties and the means of access and provision of hardstanding are also as previously applied for and considered unacceptable at appeal. The

conclusions of the Inspector as described in his paragraph 13 above, therefore, remain applicable and it is considered that there is no reason to depart from the view previously expressed by the Inspector, that this aspect of the proposal would clearly adversely affect the character of the area and the amenities of neighbouring properties. Irrespective of any other alterations to the application since the appeal, therefore, your officers feel that the application must fail on its impact to the rear of the site.

In terms of wider visual impact, the proposed flats at the front would have the greatest impact upon the character of the area. It is acknowledged that at present there is limited intrinsic character to the locality and so, as such, a well designed new building could improve the visual character of the area.

However, the Inspector raised clear concern about the proposed blocks of flats during consideration of the last application. It is again acknowledged that the design of the proposed flats, if assessed as a stand alone building, has improved from the previous application. Nonetheless, in the context of the site, your officers consider that the Inspector's concerns have not been overcome. While it could be argued that the omission of the second block of flats means that the resultant impact of the remaining block upon the character of the area is less than had previously been the case, it can also be argued that the retention of number 6 Old Shoreham Road, and consequently the necessity to site the block of flats on the western side of the site entrance, does not overcome the Inspector's comments about the limited space to the side and front of the blocks and especially on the corner near to 1 Grinstead Lane. He concluded that the apparent size would result in an uncomfortable relationship with the surrounding development and in your officer's view; such concern has not been overcome. Indeed, the combination of the retention of no 6, the need to provide access to the rear of the site between no. 6 and the blocks of flats and the siting of the flats themselves are considered to result in a proposal that would adversely affect the visual character of the area in a similar fashion to that previously found by the Inspector.

Flooding and drainage

A number of residents have made reference to the flooding issues occurring at the site since the last application was submitted and this has been noted by the Environment Agency in their consultation response and it now objects on the basis that the Flood Risk Assessment submitted with the application has not been updated and therefore does not take into account recent instances of flooding.

The applicant has responded by stating that a condition could be imposed requiring the submission of the relevant information prior to development commencing. However, the Environment Agency has subsequently confirmed that it would maintain its objection in the absence of the submission of any further information.

At paragraph 103 of the National Planning Policy Framework, it is stated that when determining planning applications *'local planning authorities should…only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment…it can be demonstrated that…development is appropriately flood resilient and resistant…'.* The following paragraph states that the requirement for a site specific assessment also applies to minor developments.

Taking this guidance into account, it does not appear appropriate to rely on a condition to secure further information particularly when the guidance talks of 'consideration of development' whereas a condition would relate to development already approved. While it may be possible that the developer can demonstrate flood risk concerns can be overcome, in the absence of supporting information this should not be assumed and therefore your officers feel it is justified to attach a reason for refusal based on the inadequacy of the information submitted thus far.

Highways and Access

It is evident from the representations received from neighbouring properties that this is a particular matter of concern and it is understood that previous meetings have been held with the County Council as the Highways Authority for the area.

The County Council gave a detailed consultation response explaining the reasons why it is not objecting to the current application. When its reasons for not objecting to the application were challenged by objectors to the development a further response was sought and received with the County Council maintaining its position. It is also noted that the Highways Agency, who has responsibility for the A27, has not raised any objection.

While the concerns of residents are noted in the absence of any technical objection from the County Council as Highways Authority, it is not considered that an objection on highways grounds could be substantiated.

REFUSE for the following reasons:-

1. The proposal constitutes undesirable intensification of residential development at a density which would be out of keeping and incompatible with existing development in the locality and which would be detrimental to the residential environment, contrary to saved policies AG1 and AH2 of the Adur District Local Plan.

2. The Flood Risk Assessment submitted with this application does not comply with the requirements set out in the National Planning Policy Framework since it fails to demonstrate that the development is appropriately flood resilient and resistant by failing to take account in particular of the extensive surface water drainage problems experienced in the area over Christmas 2012 or that the site can be drained adequately

by the use of soakaways

3. It has not been demonstrated to the satisfaction of the Local Planning Authority that adequate provision has been made for the requirements of transport infrastructure provision arising from the development. The proposal is therefore contrary to the aims of the National Planning Policy Framework which seeks to ensure that appropriate infrastructure provision is made for new development.