



ADUR DISTRICT COUNCIL

2 November 2017

Adur Planning Committee

Date: 13 November 2017

Time: 7:00pm

Venue: Queen Elizabeth II Room, Shoreham Centre, Shoreham-by-Sea

Committee Membership: Councillors Carol Albury (Chairman), Brian Coomber (Vice-Chair), Les Alden, George Barton, Stephen Chipp, Emily Hilditch, Robin Monk and Geoff Patmore.

NOTE:

Anyone wishing to speak at this meeting, on a planning application before the Committee, should register by telephone (01903 221006) or e-mail heather.kingston@adur-worthing.gov.uk before noon on Friday 10 November 2017.

Agenda

Part A

1. Substitute Members

Any substitute members should declare their substitution.

2. Declarations of Interest

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage if such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

3. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting held on 16 October 2017, which have been emailed to Members.

4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent.

5. Planning Applications

To consider a report by the Director for the Economy, attached as Item 5.

6. Public Question Time

To receive any questions from Members of the public in accordance with Council procedure Rule 11.2.

(**Note:** Public Question Time will last for a maximum of 30 minutes)

Part B - Not for publication - Exempt Information Reports

None.

Recording of this meeting

The Council will be voice recording the meeting, including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Richard Burraston Senior Lawyer 01903 221110 richard.burraston@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



**ADUR DISTRICT
COUNCIL**

**Planning Committee
13 November 2017**

**Agenda Item 5
Ward: ALL**

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1282/17 Recommendation – Approve

Site: Civic Centre Staff Car Park, Ham Road, Shoreham-By-Sea

**Proposal: Erection of four storey office development (Use Class B1)
with associated car parking and landscaping.**

2

Application Number: AWDM/1330/17 Recommendation – Approve

Site: St Julians Church, St Julians Lane, Shoreham-By-Sea

Proposal: Construction of footpaths to improve disabled access.

Application Number: AWDM/1282/17

Recommendation – APPROVE

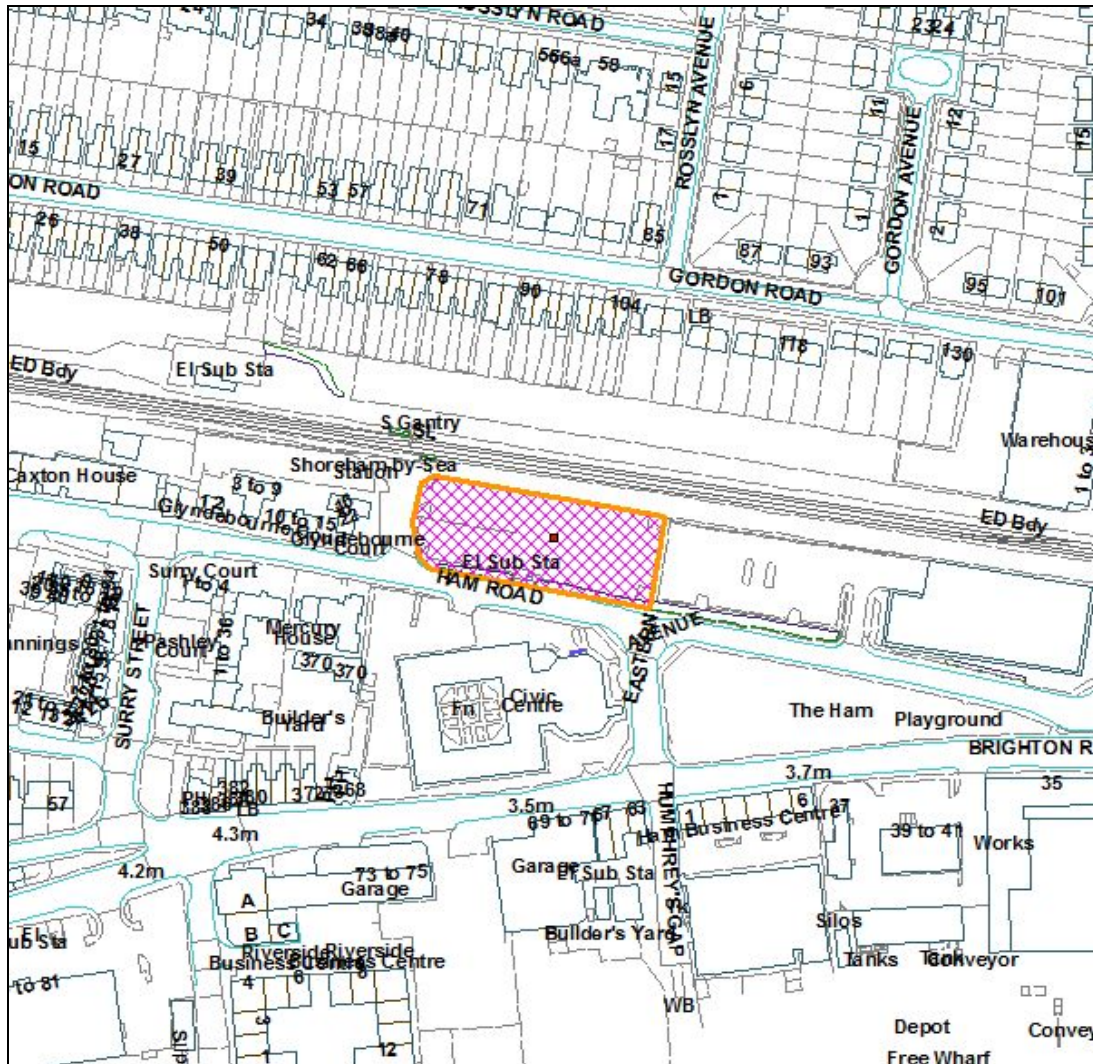
Site: Civic Centre Staff Car Park, Ham Road, Shoreham-By-Sea

Proposal: Erection of four storey office development (Use Class B1) with associated car parking and landscaping

Applicant: Adur District Council

Ward: St Mary's

Case Officer: Gary Peck



Not to Scale

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Proposal

This application, for which Adur District Council is the applicant, proposes an office development of 2,780 square metres over 4 floors. 70 car parking spaces are proposed some of which are provided in an undercroft area.

A number of documents have been submitted in support with the application:

Design and Access Statement
Transport Assessment
Daylight / Sunlight Assessment
Acoustic Impact Assessment
Air Quality Assessment
BREEAM Pre-Assessment
Energy Statement
Preliminary Ecological Appraisal
Flood Risk Assessment
Surface Water Management Analysis
Ground Investigation & Contamination
Structural Strategy Statement
Archaeological Assessment
Statement of Community Involvement

The Design and Access Statement outlines the following in respect of Architectural Precedents:

It's important to understand the emerging and current trends of architectural design in pinpointing a style for any new proposal. This will ensure the building is read as contemporary, modern and vibrant within the existing site context.

The prevalent architectural style when detailing buildings over 3 storeys is a brick grid form which gives 'structure' to the facade. This 'structure' can be divided into smaller units as seen fit, or simply left as the dominant massing to lend strength and simplicity to the architectural form.

The brick grid allows punched regular openings that can then be further divided to suit the internal space dynamics. i.e. residential buildings will largely see the window opening with side 'spandrel' panels to reduce overall areas of glass, and aid privacy. In contrast, office buildings will see the maximum use of the window bay opening as glass, to flood the internal space with daylight.

Facing brickwork lends a timeless aesthetic that surpasses former popular trends of render and timber cladding. The inherent properties of brick make it the primary choice because of its resilience and robustness within the highly corrosive coastal site setting.

Equally, a highly resilient cladding panel was chosen as the contrast material to the primary brick massing. The chosen panel has a metallic finish coating which will lend a further degree of brightness and changing tonal qualities to the elevation when passing along Ham Road.

The proposal is later described in the Design and Access Statement as follows:

The proposals will form a significant new feature on Ham Road, and 'plug the gap' in the street-scape between Glyndebourne Court and Dunelm Mill. The client brief was to provide an office building accommodating about 25 000 square feet of lettable space. Combined with the identified site constraints this determined the building form at 3/4 storeys. The split in storey heights and predetermined building focal points create the proposed strong architectural form. Subtle changes in the cladding materials will help modulate the interesting building mass.

At ground level the building forms only a light touch on the site. An under-croft parking area will ensure pre-existing parking levels are not significantly reduced. A reception area, small sub-lettable office space and the overall buildings breakout spaces will be located here. The site generally will be laid to car parking with extensive areas of landscaping to soften the building impact.

The first and second floors layout the larger office areas, these are designed ideally as open plan spaces but can be readily sub-divided into cellular offices. Both 'wings' of the office block are divided by the central stair & lift core with ancillary toilet areas and building services.

The third floor is where the split in building heights occur. The southern office wing is replaced by an exterior terrace space, usable by all building occupants for further breakout use.

The roof will house the building's services within a concealed louvred enclosure, and highlighted areas of photovoltaic cell panels will meet the proposed sustainable credentials.

The building depth is carefully dimensioned and the windows into these spaces have been studied to ensure maximum levels of daylight enter these office areas. As a consequence, energy use will be reduced through suitable design.

It is further stated that the location of the building on the site has been dictated by the no-build areas in relation to the existing foul and storm water sewers crossing the site. The building is therefore located to the eastern end of the site with access and car parking to the west of the site, the access being as per the previous arrangement. Circulation within the site will be in one direction passing underneath of the building where some of the parking spaces are located.

The supporting information goes onto state that 'a substantial soft landscaping plan is proposed to the embankment adjacent to Ham Road...It is proposed that the area to the east of the site...is landscaped to provide an external space for employees. This will be planted to give adequate separation between the proposed office building and Dunelm car park'

In respect of the height of the building and distances to neighbouring properties, it is stated:

Height

The proposed building has a floor to floor height of 4.05m, this to create the 2.7m ceiling heights required to suit a Category A office development. A 200mm raised access floor zone is incorporated within the floor to floor height to aid maximum flexibility of floor space for potential end users. A 1.1m high parapet at roof level will shield the majority of building services and photovoltaic cell panels from view. The overall building will stand at 17.5m above the existing Ham Road car park site level. A roof top plant enclosure will shield the taller mechanical services from sight, and will project 1.5m above the roof parapet line at the eastern end of the building. This will be set back from the roof edge to minimise its presence on the elevation.

Sunlight & Daylight assessments have been carried out to illustrate the proposals impact on the neighbouring residential properties. The reports suggest negligible to no impact on all neighbouring properties.

Stand-off distances

The proposed building stands 66m from the rear face of the residential properties of Gordon Road, with a heavily landscaped buffer zone and train line on Network Rail land between. Glyndebourne Court flats stand 50m away from the face of the new proposal to the west.

The separation distances between the proposed building and neighbouring properties referred to above are considerable, such that the privacy of private residential properties is protected. The distances are considerably greater than would be the case between residential dwellings (where as a rule a 21m separation was sought) or in a higher density, town centre, setting.

It is stated that the office proposal is anticipated to be occupied on completion and has the capacity to accommodate in the order of 200 to 250 full time equivalent employees.

Application Site and Surroundings

The application site comprises the former Adur Civic Centre staff car park, which contained around 130 spaces, on the northern side of Ham Road.

The car park is raised up from the road by about 2 metres. Its main pedestrian access was via a central set of steps bordered by red brick walling of a similar style to the former Civic Centre building. This brickwork also borders a small sub-station at the front of the site. On the western side of the steps the site frontage contains a low flint wall with shrubbery and small trees behind, now becoming somewhat overgrown since the car park became disused. On the eastern side of the steps is a higher flint wall, somewhat uneven in places and seemingly repaired in the past. A small set of railings, leaning in parts, sits on top of the wall, and there is shrubbery behind. At the time when the car park was in use, the pavement only extended along part of the frontage but this has now been extended to run across the full width of the site. A chicken wire fence with barbed wire on top denotes the northern boundary of the site with a similar

fence to the east without barbed wire on top. The car park slopes in parts, especially towards the previous vehicular entrance on the eastern part of the site. This is a small overgrown section of planting separating parking spaces on the western side of the site.

The Design and Access Statement states: *'The main constraints on site are the two sewers passing through the site in the east and west in a north-south direction. These sewers have helped define the building footprint as they have a 3 metre and 5 metre no building zone on either side...'*

Across the road to the south, the former Civic Centre has now been demolished and the site has been fenced off with hoardings. There are no current planning applications relating to the main site but the applicant states that it is intended to market the site again in the New Year.

To the west is Glyndebourne Court, a 2/3 storey residential development set out in 4 separate blocks. The parking area for Glyndebourne Court is accessed by way of the access which also serves the application site. The easternmost block is in a T shape with windows facing the application site both on its eastern projections at the nearest point about 15 metres from the application site. Beyond these buildings to the west, is the boundary of the Conservation Area, on the northern side of Ham Road only and about 80 metres from the application site. To the south west are Mercury House, Pashley Court and Surry Court which are 3 storey residential developments and further to the south west, across Surrey Street, a 4 storey residential block of flats, The Mannings.

To the east is a car park serving Dunelm, a furnishing retailer, with its building about 85 metres away from the application site. To the south-east is The Ham which includes a popular skate park.

Immediately to the north of the application site is the railway line with Shoreham-by-Sea station to the west. The eastern extent of the long platforms almost runs to a point equivalent to the north-western corner of the application site.

Both sides of the railway line have vegetation alongside, most noticeably on the northern side where the buffer zone is far wider, about 20 metres, compared to about 6 metres on the southern side. The vegetation appears denser on the northern side as well.

Beyond are properties in Gordon Road which are 2 storey properties in groups of 2 or 4. Some of the buildings have rooflights serving converted loft space. At the very nearest point, the rear of the buildings is around 58 metres from the application site and on average just over 60 metres from the northern edge of the application site. The properties are all served by lengthy rear south facing gardens with the southern end of the gardens being about 41 metres from the northern edge of the application site.

Relevant Planning History

None relevant to the application. The site has been used historically as a staff car park since the late 1970s prior to the closure of the Adur Civic Centre in 2013 and the last planning application was in 1986 for use of the site for car boot sales on Saturday mornings for which a temporary planning permission was granted. Prior to that, permission was granted for a car park extension in 1985.

Consultations

Environmental Health (contamination)

Requests that the full contaminated land condition is imposed

Environmental Health (noise, lighting)

Original comment

No objection in principle. It is unclear whether there will be any noise issues from the plant room and the design of the building will need to achieve internal noise levels for office space as per the British Standard. Further lighting details should be provided.

Further comment following the receipt of further information in respect of lighting

The lighting scheme is acceptable

West Sussex County Council (Highways)

Original comment

Background

The proposed development is a single B1 office building of 2,780sqm with associated car parking.

The site has previously been utilised as a 130 space car park for the Adur Civic Offices and public car park following the closure of the Civic offices.

Pre-application discussions took place with the applicants transport consultant during June 2017. A Transport Assessment has been provided with the application documents.

Access

Access to the site is via the existing arrangement onto Ham Road. Visibility splays of 2.4m x 43m can be achieved in line with Manual for Streets.

Trip Generation

At WSCC request the applicant undertook a scenario where no historical use of the site was considered, as previous trips associated with the civic centre cannot be included as they are associated with a site not included within the planning application and trips associated with the use of a public car park could not be confirmed due to the closure of the car park.

The site is estimated to generate 74 AM peak movements and 57PM peak movements.

Development Impact

The applicant has provided a comparison of existing flows to that included within the Minelco Works (Reference AWD/0762/13) at the Ham Road/Eastern Avenue junction. The existing flows are significantly lower than that of the previous modelling undertaken and as such no further work is requested.

An additional 19 vehicle trips in the AM peak and 15 in the PM are expected to make use of the Eastern Avenue level crossing.

Parking and Servicing

A total of 70 car parking spaces are to be provided including 3 allocated disabled bays. The Transport Assessment incorrectly states that WSCC standards for B1 are minimum standards; they are in fact maximum standards.

A TRICS parking accumulation study should be provided to ensure an appropriate level of parking is provided on the site.

A total of 25 cycle spaces are to be provided based on the level of car parking spaces.

Vehicle tracking has been provided. It appears that the refuse vehicle would be required to enter the site via the 'exit', however vehicle speeds are likely to be low and movements limited to once a week and as such is acceptable.

Sustainable Transport

A workplace travel plan is to be conditioned prior to occupation.

Conclusion

An assessment of parking capacity is required, it suggested that an assessment utilising TRICS data is undertaken.

Further comment

Following the provision of additional information from the applicant's highways consultant I can confirm that the parking levels promoted as part of the site would be sufficient to cater for demand.

No Objection is raised to the application subject to conditions.

A total TAD contribution of £121,429 is required

Technical Services

Following some initial concerns raised by the Councils Engineers the submitted FRA has been revised and the Technical Services Manager now states that,

The site lies almost wholly in flood zone 1 but the southern boundary theoretically lies in flood zone 2/3 but is so elevated that there is negligible risk of flooding.

The questions and observations I made at that time have been answered and incorporated into the Revised FRA.

I think a condition, requiring the Surface water discharge to be in accordance with the proposals of FRA would suffice.

Southern Water

Original comment

The exact position of the foul and surface water sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer.
- No development or new tree planting should be located within 5 metres either side of the centreline of the surface water sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

There is currently insufficient information to provide a capacity assessment of the surface water network from manhole reference TQ21059151 to outfall TQ2104995X. It is recommended that a survey of the network is undertaken in order to provide the relevant data for an assessment on network capacity.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme;
Specify a timetable for implementation;
Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a. Adequate soakaway or infiltration system;
- b. Water course;
- c. Where neither of the above is practicable sewer.

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is

proposed to connect to a public sewer the prior approval of Southern Water is required.

Additional comments

Additional comments that were missing from the original consultation response. State that 'the site survey shows a public sewer running from east to west within the site and our record the same sewer is shown outside the site boundaries. The protection of public apparatus should be applied to all public sewers within the site'.

It is also noted that the applicant is proposing to abandon/divert the public sewer and a formal application for the diversion of the sewer is required under S185 of the Water Industry Act 1991.

No driven or percussive piling is to be carried out within 3 metres either side of the centre line of the Southern Water gravity sewers, rising mains or water mains. It is noted that however that depending on ground conditions, type and depth of piles that piling at a greater distance may have an adverse impact upon public sewers, rising mains and water mains. This should be considered by way of a Risk Assessment for any piling proposed for the development. A copy of the Risk Assessment is to be provided to Southern Water prior to carrying out any piling on site.

Network Rail

No comments received.

Representations

13 letters of objection have been received, all from residents in Gordon Road, number 86 (2 separate representations), 88, 92, 94, 96, 98, 100, 102 (2 separate representations), 106, 108, 110

- Height is out of keeping for the town and higher than St Mary's Church. It will set a dangerous precedent for the town
- Development is incredibly close to houses and will cast a shadow over south facing gardens
- Building should be located on the southern side of the site with car parking on the north so that the distance to dwellings is increased
- Development should be reduced by a storey
- Development will add to air pollution
- Development is not of benefit to Shoreham when affordable housing and health/leisure services are required
- Disturbance during construction phase which will take over a year. Residents have already suffered during the demolition works of the Civic Centre building
- Overshadowing of the gardens will prevent residents using the gardens in winter and adversely affect plants and vegetable crops

- The design is jarringly out of place for Shoreham and hardly in keeping with surrounding heritage architecture
- A 4 storey development must contravene height restrictions for this part of the town
- Has utility provision been adequately planned for
- The vast majority of Focus employees commute from Brighton
- What provision will there be for noise reduction during the construction process
- Increased parking pressure
- Existing gardens are secluded and private. The building will cause loss of privacy and block the sun
- Noise from the railway will be amplified
- The development will not bring employment to the area as the company will simply be transferring its staff from another part of Sussex
- The rear face of the building will be only 43 metres from the back fences of the properties and 66 metres from nearby dwellings. The angle of elevation of the building will be between 16 and 25 degrees and therefore very imposing
- The attractiveness of the existing properties in Gordon Road are their south facing and secluded gardens
- At the winter solstice, all direct sunlight will be taken from the rear gardens as the maximum altitude of the sun is 15.79 degrees and this will take sun from a couple of metres at the back of houses. Full sunlight will not be restored until March
- BRE guidelines only assess the impact of overshadowing on the actual houses and not gardens which is a significant limitation of the assessment. The Planning Committee should take account of this when reaching a decision: for every metre the building is lowered, the severity of the impact of overshadowing would be reduced
- Increased traffic and air pollution. It is disingenuous to state that because the Civic Centre has been demolished this results in a net reduction as this site will be developed in due course in any case
- Construction Plan notes the importance of community consultation but this seems only to relate to Ham Road and not Gordon Road
- The interests of local residents are placed second behind economic interest
- There have not been residential or commercial buildings overlooking the gardens since residents purchased their properties
- A height similar to the Dunelm building would be more appropriate as this building is not visible across the railway
- Since the site is close to the railway station and bus stops such extensive parking is not required. The Adur Local Plan seeks to reduce the number of cars and pollution in the town centre
- Understood that the site is a prime location for development but whatever is built should be less high
- Site should be left as a public car park as the town needs parking

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB1, AB14

Submission Adur Local Plan as modified in accordance with the Inspectors recommendations

Policy 4: Planning for Economic Growth

Policy 11: Shoreham-by-Sea

Policy 15: Quality of the Built Environment and Public Realm

Policy 17: The Historic Environment

Policy 19: Sustainable Design

Policy 20: Decentralised Energy, Stand-alone Energy Schemes and Renewable Energy

Policy 28: Retail, Town Centres and Local Parades

Policy 29: Transport and Connectivity

Policy 32: Biodiversity

Policy 35: Pollution and Contamination

Policy 37: Flood Risk and Sustainable Drainage

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

National and local policy position

The National Planning Policy Framework (NPPF) was issued by the Government in 2012. It represented a new direction in Government policy. The Ministerial Foreword at the start of the document states *'development means growth'* and that *'development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'*

At paragraph 7, the NPPF describes the three dimensions to sustainable development: economic, social and environmental and at paragraph 9, it is stated that:

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes.*

A key paragraph in the NPPF is paragraph 14 which is specifically highlighted. This states that a presumption in favour of sustainable development is at the heart of the NPPF. For decision taking, this means approving development that accords with the development plan without delay.

Amongst the decision making principles, decisions should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.'... 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' and 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'.

At paragraph 19, it is stated:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

In national policy terms, therefore, it is not considered there is any objection to the principle of development.

An independent examination of the Adur Local Plan took place in early 2017.

The Council has received the Inspector's Report on the Examination of the Adur Local Plan and he concludes that the Adur Local Plan is 'sound' and that it provides an appropriate basis for the planning of that part of the District within the Local Plan area, provided that a number of main modifications are made.

The Inspector's Report and the Local Plan documents, incorporating the Inspector's Main Modifications, are to be considered by Full Council on the 14th December 2017. The modified Adur Local Plan will be recommended to the Council for adoption. Upon adoption, it will form the Adur Local Plan and the Development Plan for development management purposes (under section 38(6) of the Planning and Compulsory Purchase Act as amended).

The Submission Local Plan identified that Adur had a job density of 0.63 (a ratio of jobs to population of working age) which is significantly below the national figure of 0.81 and therefore there is a need for more employment land to be provided in Adur to help redress this balance. The Adur Employment Land review undertaken in 2014 found that Adur did not have a well-developed officer market with the District primarily being an industrial location in terms of commercial floorspace. Even though the Plan allocates strategic sites for employment floorspace (Shoreham Airport, Shoreham Harbour and New Monks Farm) it was found that these sites were unlikely to meet the full demand for employment floorspace. Policy 4 of the Plan therefore stated:

'additional employment floorspace will also be achieved through redevelopment, intensification, change of use to employment, and provision of new employment sites.' (The reference to new employment sites is proposed to be deleted but the remainder of this part of the policy remains unchanged).

The majority of this floorspace will be provided within the town centres and the main existing employment areas.

Policy 11, relating to Shoreham-by-Sea, further amplifies this point by stating:

In addition to Shoreham Harbour, Shoreham town centre will be the main focus for new development in Shoreham-by-Sea to meet needs including housing, employment, community facilities and retail...Civic Centre and associated car park site – mixed use development to include residential.

The Civic Centre does not form part of this proposal and indeed the two sites are identified separately on the Proposals Map.

Since the Plan was considered to be 'sound' by the Inspector it can be considered that its provisions are reflective of central government policy and accordingly the proposal is acceptable in principle having regard to emerging Local Plan policies.

The application submission has been accompanied by a number of technical summaries which are summarised below:

Transport

As mentioned later in the report, the existing capacity of the car park is 130 spaces and since the proposed development provides 70 car parking spaces, the existing capacity of the car park should not be discounted in consideration of the application. Notwithstanding this consideration, the County Council requested that trip generation be considered as if the car park has no current use given its previous link with the Civic Centre site. Such an assessment can be considered to have given sufficient scrutiny to the application from a transport perspective (air quality issues are covered below) and following the submission of further information, the County Council raise no objection in highways grounds.

It also has to be noted that the site is in a highly sustainable location with a bus route passing directly in front of the site and the railway station also being close proximity.

The County Council have requested a transport infrastructure contribution which is currently being contested by the applicant's agent with further information submitted by the agent currently being considered by the County Council. Further information regarding this point will be available at the meeting.

Acoustic Impact Assessment

There is no objection from the Environmental Health Officer in respect of noise itself from the use of the building (although further clarification is required regarding the plant room) and in light of the prevailing uses in the area already including existing commercial uses, the railway and the A259, it would appear unlikely that noise from the use of the building as offices could be considered sufficiently harmful to warrant refusal. The applicant has stated in respect of noise from the railway:

The most affected properties will be directly affected by noise from the trains, and unless there is any focussing effect, a partial reflection from a building would be less than the direct sound and so any cumulative noise increase would unlikely to be significant. Reflection can be a problem where there is focussing from concave surfaces or where a building reflects sound that was previously shielded by a barrier. Neither would be the case in relation to the office proposal on the Ham Road car park site. The effect of sound reflections will be more for a flat façade than one that is broken by mullions etc, as per the proposed design.

The more pertinent point in respect of noise and disturbance, which has been raised by a number of the representations from Gordon Road, is in respect of the construction process itself. A Construction Environmental Management Plan (CEMP) was submitted with the application and is considered comprehensive in nature. Compliance with the Plan can be secured by condition but the effect upon residents can often also be more effectively managed by sufficient consultation with them during the construction process itself. As has been pointed out in one of the letters of representation, community engagement in the CEMP has only been identified as with the residents in Ham Road, but the affected residents in Gordon Road will also need to be properly informed of any activity given their proximity to the north of the site.

Air Quality Assessment

A comprehensive air quality assessment was submitted with the application. Although the site is outside of any Air Quality Management Area (AQMA), it is about 200 metres from the previously designated AQMA along Shoreham High Street.

The existing car park had a capacity of 130 spaces and while clearly unused at present, its capacity nonetheless must be taken into account in respect of the consideration of the overall development, which provides 70 parking spaces and hence as such a consequent decrease in traffic activity. It is of course appreciated that

the car park served the former Civic Centre site across the road and if and when that site is developed then there may be an increase in activity compared to the previous situation. However, that is a matter for any future development on that site and this development, on its own, should be assessed against the parking capacity of the existing site.

The assessment concludes that modelled results of the operation phase show that changes in concentrations at sensitive receptors will be 'negligible' in accordance with the relevant guidance. Therefore, it has been concluded that the impact of the proposed development on air quality at existing receptors is 'not significant'. The predicted concentrations at the nearby committed development site are well below the air quality objectives and therefore the site is considered suitable for the introduction of new receptors.

BREEAM Pre-Assessment

It is stated that the development will achieve a 'very good' rating under BREEAM New Construction (NC) 2014 scheme, 'Commercial - Offices' building type and corresponding criteria. This can be secured by condition.

Energy Statement

The proposal should meet the requirements of the new Local Plan which requires a minimum of 10% reduction in carbon emissions. The supporting information states:

To comply with Building Regulation Part L2a (2013), Adur Local Plan draft policy 20 and a BREEAM rating of 'Very Good' PV cells mounted on the unshaded sections of the building's roof will generate renewable electricity for use onsite or exported back into the electrical grid network when demand is low. Circa 200m² of PV cells will save approximately 20% in building carbon emissions, this exceeds the minimum 10% requirement as set out in Adur's Draft Policy 20.

Ecology

The site is predominantly a tarmac car park and therefore as such ecological impacts are limited but there is some planting especially to the front of the site. The ecological assessment states that this supports a small amount of habitat and therefore removal of vegetation should either take place in the winter months or overseen by a suitable ecologist if necessary in the summer months.

Archaeological Assessment

The proposal has not attracted comment from the County Archaeologist and as there are no previously recorded non-designated heritage assets within the application site, it appears that there is little potential for there to have been previous activity on the land that would result in significant archaeological impact.

Flood Risk & Surface Water

The discussions regarding this matter are outlined above in the consultation response section. It is noted that Southern Water and the Council's own Technical Services section have raised no objection in respect of the proposal subject to conditions. The site is in Flood Zone 1 where there is a low risk of flooding and the site does not lie within a floodplain.

Contamination

The site falls in a location where ordinarily a condition is imposed to ensure that any potential contamination impacts are fully investigated and remediated if necessary. The applicant's agent has indicated that they have carried out sufficient investigation already that such a condition is unnecessary in this instance. Further comment from the Environmental Health Officer should be available at the meeting.

Design

Leaving aside matters of height and scale which are considered below, the design of the proposal has been the subject of pre-application discussions. Following such discussions, a light grey brick option was considered as the most appropriate primary massing material, with copper cladding as the feature panel element.

Your Officers were previously concerned that the front elevation appeared too dark with a greater need for detailing and a generally lighter feel. The side panels to the proposed fenestration are shown as opaque glass spandrels to create an impression of glass and to assist in lightening the overall appearance of the building. It was intended that fenestration would be set back with reveals expressing the structural frame of the building and creating greater articulation. This is not currently shown on the submitted plans and a revised plan has been requested to more accurately show this window detailing.

In respect of the rear elevation brick infill sections are shown adjacent to windows to give the building a more subdued effect on the rear elevation and to reduce the perception of overlooking. A full schedule of materials has been submitted with the application.

The building has been organised on an east/west axis with an open floor plate across the building with windows facing directly north and south. At ground floor level, the proposal includes part accommodation and part car parking within an undercroft of the building. The first and second floor plans comprise of one large open plan office space and one smaller open plan office space with ancillary accommodation for meeting rooms.

In light of the constraints of the site, which require the development to be located towards the eastern part of the site, the layout and design of the proposal is considered to be acceptable.

Height of the development with reference to impact upon the character of the area and the amenities of neighbouring properties

Since the demolition of the Civic Centre, the eastern end of Ham Road now appears far more open and to that degree the proposed development at over 17 metres would appear prominent in the street scene. Nonetheless, the site is located in a town centre location where a taller and higher density development can be expected and the main part of the original Civic Centre building was itself 3 storeys in height at the western end.

Although much of the surrounding development is only 2 or 3 storeys, the Mannings is a 4 storey block to the south west of the site and indeed is raised above the level of Surry Street and Ham Road. Further along Surry Street, Pashley Court is also 4 storeys in height. The development currently being constructed at the former Parcelforce site, is 7 storeys at its highest point, is visible from Surry Street and is also visible from the eastern end of the application site. While there are no development proposals under consideration for the Civic Centre site, the nature of the site would seem it likely to be able to accommodate a development of a greater height than the previous building. There is a current application for a major development at the Free Wharf site which incorporates apartment buildings in the centre of the site extending to 9 stories.

The emerging Local Plan requires the setting of the historic town centre, riverfront and St Mary's Church to be protected. Since the site is outside of the Conservation Area and almost 200 metres from the Western Harbour Arm, it is not considered that the height of the building would adversely affect either setting. In terms of St Mary's Church, the site is about 400 metres from the Church. In direct line of sight between the Church and the application site is the aforementioned 4 storey Mannings site as well as the Telephone Exchange building and again, it is not felt that the new development would affect the setting of the Church.

In light of the taller buildings close to the site, as well as those being built or with permission elsewhere around the town, and the national policy requirement to make efficient use of brownfield sites, it is not considered, in terms of the impact upon the character of the area, that the proposal is excessive in scale or height.

In respect of the surrounds of the site, the vacant Civic Centre site to the south and Dunelm car park to the east means that there is no material constraint to the development on either of those sides of the site. The nearest residential properties along Ham Road are to the west - Glyndebourne Court. As mentioned previously, the sewer on the site means that development cannot take place on its western side and as a result the building is about 50 metres from the nearest part of Glyndebourne Court. In terms of both the proposed building and Glyndebourne Court, this distance represents the narrower wing of both buildings. The wider projection of the proposed building at the eastern end of the application site is about 80 metres from Glyndebourne Court. Even greater distance applies to the buildings on the southern

side of Ham Road: the nearest building, Mercury Court is about 60 metres from the proposed building at its nearest point.

Although the Council has consulted widely on the application (over 300 neighbour letters were sent out), no representations have been received from properties in Ham Road.

The representation section above does, however, show that 13 letters of objection have been received from properties in Gordon Road. Your Officers feel that the effect of the development upon those properties is the key planning consideration.

Numbers 80 to 110 (even) in Gordon Road effectively run parallel to the application site north of the railway line and it can be seen that the majority of these properties have objected strongly to the application. Although some other points have been raised, which have been considered above, many of the objections derive from the potential adverse impact upon these properties by virtue of the height of the development.

It is apparent from visiting various of the rear gardens in this stretch of properties that, at present, no buildings are visible from the gardens of these properties. This is due to a combination of some of the gardens being particularly well landscaped and the vegetation on the northern side of the railway line. (The trains when passing appear to be visible from some of the gardens). Even from the upper floor of some of the properties, few if any buildings are visible (partly, though, as a consequence of the demolition of the Civic Centre). From other viewpoints, the upper parts of The Mannings, Mercury Court and to a lesser extent Glyndebourne Court are visible, while in the distance, part of the Parcellforce development is visible from limited viewpoints.

It is quite apparent that this predominantly clear sky will change as a result of the proposal. This will certainly have some impact upon the amenities of these properties and especially their rear garden areas even allowing for the current proximity to the train line.

The 'right to light' is a phrase often used in relation to planning applications, but in itself the right to light is not a reason to refuse a planning application. As the Government's own website, www.gov.uk, states:

'A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

'The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.'

In simple terms, therefore, the application cannot be refused simply because at present the neighbouring residents cannot see a building and in future they will, unless it can be demonstrated that there is definite harm arising from the construction of the building. At this point, it has to be remembered that the central part of government policy is to encourage growth in sustainable locations.

As mentioned earlier, the nearest part of the end of the rear gardens in Gordon Road are about 41 metres from the application site. The building itself is set back a further 4 metres from the existing northern boundary fence, and hence it is 45 metres from the nearest point of the rear gardens. As mentioned earlier, at the very nearest point, the closest dwelling to the site in Gordon Road is 58 metres away but this is on the western side of the site where development is not proposed. The site also tapers very slightly away from the railway line on the eastern side and hence the dwellings in direct line of the proposed building are 60 metres away from the edge of the application site and with the set back of the building within the site itself, about 64 metres distant.

Members will be aware that the standard overlooking distance between facing windows on residential properties is 22 metres. Supplementary Planning Guidance states that where developments are over 2 storeys this will need to be increased.

The proposed development is 4 storeys and even if the overlooking distance was doubled to 44 metres to take account of the increased height, the distance between the development and the Gordon Road properties would still far exceed this distance. Of course, the proposed development is an office building and it is arguable that residential standards to such an extent could not be justified in any case given the likely reduced levels of occupation of an office building during evenings and weekends.

Your Officers do not consider therefore that there can be any justifiable reason to resist the application on overlooking grounds.

It is then necessary to consider whether the overall scale and height of the building would impact on Gordon Road properties in terms of loss of light or overshadowing. The building is stated as being 17.7 metres in height. The site is raised up from Ham Road as previously stated and it also noted that the ground floor level of the dwellings in Gordon Road is about 1.4 metres below the ground level of Ham Road.

The effect of a building of this size, particularly given the lack of building in the area, therefore needs to be assessed with particular reference to daylight and sunlight impacts. The most commonly used method of examining such effects is the BRE Report, 'Site layout planning for daylight and sunlight: a guide to good practice' which gives advice on planning developments to make good use of daylight and sunlight. The supporting information submitted with the application makes reference to such guidelines.

It states:

It is to be noted that in the case of the residential properties on Gordon Road, given that the distance of the proposed development to the houses is less than three times the height of the proposed development above the lowest potentially affected window, which according to the BRE means that the new building would not have a substantial effect on the diffuse daylight or sunlight enjoyed by the existing units, the next steps in assessing the daylight and sunlight impact have been followed only for numbers 86-108, which are located directly opposite the proposed development and not for other properties even further away. It is also to be noted that although the obstruction angle is less than 25° in each of the assessed cases, which according to the BRE means that the new building would not have a substantial effect on the diffuse daylight or sunlight enjoyed by the existing surrounding buildings, the VSC [Vertical Sky Component] and APSH [Annual Probable Sunlight Hours] calculations have been carried out in order to prove numerically that the impact of the Ham Road Car Park Redevelopment is negligible.

The report concludes:

This section describes a summary of the results of the VSC calculations undertaken for the studied residential receptors. The results obtained for all windows assessed are included in Appendix B. VSC results indicate that the impact of the proposed Ham Road Car Park Redevelopment on the daylight access of surrounding residential receptors is negligible.

VSC results for all windows on the assessed elevations on Gordon Road (86-108 Gordon Road), Mercury House and Glyndebourne Court indicate that the impact of the proposed Ham Road Car Park Redevelopment on their daylight access is expected to be negligible as the reduction factor is not less than 0.8 times the VSC value at the existing scenario.

This section describes a summary of the results of the APSH calculations undertaken for the studied residential receptors. The results obtained for all windows assessed are included in Appendix B.

APSH results indicate that the impact of the proposed Ham Road Car Park development on the sunlight access of surrounding residential receptors is negligible and in some cases non-existent. APSH results for all windows on the assessed elevations on Gordon Road (86-108 Gordon Road), Mercury House and Glyndebourne Court indicate that where there is an impact from the proposed Ham Road Car Park Redevelopment on their sunlight access it is expected to be negligible.

Your Officers have studied the submitted information in relation to the BRE guidance and see no reason to differ from the above conclusion having regard to the guidelines. The distance between the respective buildings is such that the above conclusions are likely to be correct. Nonetheless, and as has rightly been pointed out by at least one of the representations, the impact upon the rear gardens also needs to be quantified.

The rear gardens are lengthy by virtue of their location towards the railway line and are south facing as well. It is quite apparent that these gardens are enjoyable amenity areas for the residents of the properties concerned.

The BRE guidelines recommend that at least half of the garden or open space can receive at least two hours sunlight on 21st March. Your Officers therefore requested that the applicant's agent also produce evidence on this point. Further information has been received that demonstrates almost the entire garden area of each property on Gordon Road will receive more than 2 hours of sunlight on the 21st of March. The agent states that, in fact, the sunlight hours are not affected at all by the proposed development for that day. The agent concludes that according to the BRE guidance, the gardens will appear adequately sunlit throughout the year and any loss of sunlight is not likely to be noticeable as the result of the new development.

Your Officers do not consider that it can be quite justified to state that the gardens will be adequately sunlit throughout the year as in parts of winter, there will be significant shading to the gardens: one resident has suggested that the gardens will be in shadow almost throughout the whole of December and your Officers have not seen any evidence to suggest that this would not be the case. It has to be clearly stated therefore that there will be impact upon the properties in Gordon Road most particularly in the winter months.

However, the widely used assessment in cases such as this is not the impact upon properties in winter months when daylight hours are shortest and gardens likely to be least used but as stated in March. In that respect, your Officers have to agree that the relevant tests are met and accordingly it would not be justifiable to refuse planning permission on such basis.

In conclusion, therefore, as a matter of principle the development is one that accords with national policy and updated Local Plan policies. The former use of the site has ceased and therefore given its location it has to be expected that a more intensive use of it will occur. It has long been established that there is a shortage of employment space in Adur and equally that there are few opportunities for such shortages to be met even with significant allocations of land, including greenfield land as set out in the new Local Plan. The Government is encouraging economic growth and the efficient use of brownfield sites. It is therefore incumbent on the Council to maximise the use of the site.

It is considered that the technical issues in relation to the application have been addressed adequately. The crux of the determination of the application relates to the height of the building for it has to be acknowledged that this is a large building and unless or until the Civic Centre site is developed will appear as a prominent building when approaching the town from the east even allowing for other permitted schemes in the town. Despite its size, there are not considered to be any conflict with acknowledged planning constraints to the south, east and west of the site and so essentially the main issue is the impact upon the dwellings in Gordon Road.

It cannot be denied that there will be an impact upon these properties but it is the degree of impact that is important in a decision to grant or refuse planning permission when other planning policies on a wider scale are being met. It would not be reasonable to refuse planning permission on overlooking grounds for the reasons set out above. It is therefore the height of the building that is the main material impact. The BRE guidelines are those which are used as a technical exercise to avoid what would otherwise be a subjective assessment. Your Officers are satisfied that the evidence submitted demonstrates that the proposal complies with such technical guidance. In light of such evidence, while a lower building would reduce the impacts of the building, the proposal as submitted is not proven to cause material harm and accordingly is recommended for approval.

Recommendation

To **GRANT** planning permission subject to the following conditions and any further conditions suggested by consultees:

1. Development in accordance with approved plans
2. Full Permission
3. The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development
4. The Development shall be implemented in accordance with the submitted drainage strategy detailing the proposed means of foul and surface water disposal and implementation timetable, unless otherwise agreed in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
5. No driven or percussive piling is to be carried out within 3 metres either side of the centre line of the Southern Water gravity sewers, rising mains or water mains. It is noted that however that depending on ground conditions, type and depth of piles that piling at a greater distance may have an adverse impact upon public sewers, rising mains and water mains. This should be considered by way of a Risk Assessment for any piling proposed for the development. A copy of the Risk Assessment is to be provided to Southern Water prior to carrying out any piling on site.
6. No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use
7. 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 Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
8. The development hereby permitted shall be implemented in accordance with the submitted Construction Environmental Management Plan. The Plan shall be

implemented and adhered to throughout the entire construction period. The Plan shall additionally provide details of public engagement both prior to and during construction works including with residents in Gordon Road.

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

9. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

10. Within 3 months of the occupation of the development, the development hereby permitted a BREEAM Design State Certificate and a BRE-issued Post-Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' has been submitted to the Local Planning Authority.
11. The development hereby permitted shall proceed in accordance with the submitted schedule of materials in the Design and Access Statement unless otherwise agreed in writing with the Local Planning Authority.
12. Contamination strategy and remediation (unless agreed prior to development with the Local Planning Authority)
13. Confirmation of site levels
14. The development hereby permitted shall proceed in accordance with the submitted landscaping details in the Planting Strategy unless otherwise agreed in writing with the Local Planning Authority.
15. Hours of working 0800-1800 Monday to Friday, 0900 to 1300 Saturdays, no working on Sundays, Bank or Public Holidays
16. Use Class Restriction B1
17. The development hereby permitted shall proceed in accordance with the submitted lighting details in the Lighting Strategy unless otherwise agreed in writing with the Local Planning Authority.

Informatives

A formal application for sewer diversion is required under S185 of the Water Industry Act 1991 in order to abandon/divert any public sewer

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

13th November 2017

Application Number: AWDM/1330/17

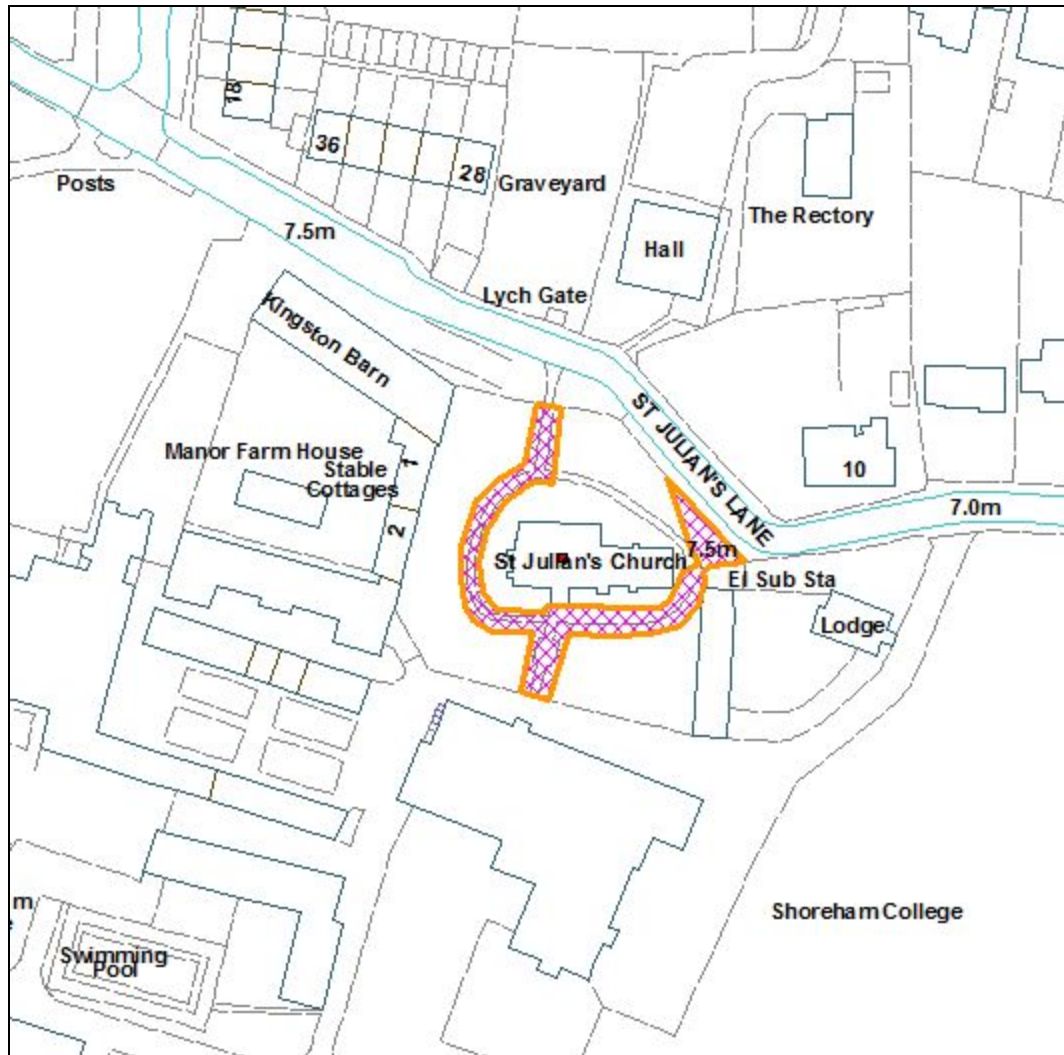
Recommendation – APPROVE

Site: St Julian’s Church, St Julian’s Lane, Shoreham-By-Sea

Proposal: Construction of footpaths to improve disabled access

Applicant: Adur District Council
Case Officer: Peter Barnett

Ward: Southwick Green



Not to Scale

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Proposal, Site and Surroundings

The application has been submitted by Adur District Council and seeks permission to upgrade the existing footpaths around St Julian’s Church, a Grade I listed building located within the Kingston Buci Conservation Area. The existing footpaths are

overgrown in places and poorly defined. It is proposed to re-surface the footpaths using Addagrip resin bound permeable surfacing with an aluminium edge restraint. The paths to be repaired run from the north and east entrances off St Julian's Lane and from the southern entrance from Shoreham College. The parking area to the east of the Church is also to be partly resurfaced in the same manner in order to provide safe access. This area is outside the ownership of the Council but the owners have written to confirm their agreement to the works.

The new paths will enable improved disabled access to the Church. They will vary in width from 1.2m to 1.8m wide, the wider areas being the size necessary to enable wheelchairs to pass each other.

Relevant Planning History

None

Consultations

West Sussex County Council: The **County Archaeologist** advises that St Julian's Church is grade I listed and described in the listing description as dating to the 11th and 13th centuries. The medieval churchyard will have seen a successive process of burial over the centuries and as space grew restricted it would be common practice for new graves to be dug into ground containing earlier interments. This iterative process often results in the height of the ground outside the church itself increasing but also the upper 250-500mm of churchyard soil can be mixed and disturbed, containing bone from previous burials.

The proposed path re-surfacing is by and large on exactly the same plan as the existing path around the church and does not appear to require disturbance greater than 130mm below present ground level (which is very shallow). It is likely that the works will have a negligible effect on the churchyard soil but I note that there are a couple of locations where widening is proposed to create safe passing places in line with DDA requirements.

It is unlikely that this work will warrant archaeological monitoring but Adur and Worthing Development Management should take account of the views of the Chichester Diocesan Advisory Committee's (DAC) Archaeological Advisor. The contractor undertaking the re-surfacing and widening should take heed of the Advisory Panel on the Archaeology of Burials in England "Guidance for Best Practice for the Treatment of Human Remains Excavated from Christian Burial Grounds in England", second edition 2017, especially paragraph 173, to ensure that any remains accidentally disturbed are re-interred as close to their original location as possible and if this proves necessary that it is undertaken in consultation with the incumbent and the DAC.

Adur & Worthing Councils: The **Tree and Landscape** Officer has no concerns but recommends that there be only hand digging within the Root Protection Areas to avoid harm to any major or anchoring roots.

Historic England: No comments.

Adur District Conservation Advisory Group: To be reported

Representations

None received

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AB4, AB7, AB9
Submission Adur Local Plan (2016) Policies 15, 17
National Planning Policy Framework (March 2012)

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; 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

Visual amenity and Impact on Conservation Area and Listed Building

The proposed surface will be wider and more durable than the existing informal pathway. The colour and form of the surface will comprise a resin bound blend of natural aggregates which, while more formal in appearance than the existing path, will nevertheless not appear unduly intrusive or detrimental to the pleasant setting of the churchyard, listed building and Conservation Area.

Trees

The depth of the path will be relatively shallow and should not have a significant impact on the roots of any trees which overhang it. However, as a precaution, it is recommended that where the path does run beneath a tree canopy, all digging be carried out by hand to avoid root damage.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. Materials as specified
4. Hand dig only within root protection areas

13th November 2017

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.