



# ADUR DISTRICT COUNCIL

26 July 2018

## Adur Planning Committee

**Date:** 6 August 2018

**Time:** 7:00pm

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

**Committee Membership:** Councillors Carol Albury (Chairman), Pat Beresford (Vice-Chair), Les Alden, George Barton, Stephen Chipp, Brian Coomber, Lee Cowen and Robin Monk.

### 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](mailto:heather.kingston@adur-worthing.gov.uk) before noon on Friday 3 August 2018.

## 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 18 July 2018, 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**Part B - Not for publication - Exempt Information Reports**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).

<b>For Democratic Services enquiries relating to this meeting please contact:</b>	<b>For Legal Services enquiries relating to this meeting please contact:</b>
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Edwina Adefehinti Locum, Legal Services 01903-221358 edwina.adefehinti@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  
6 August 2018**

**Agenda Item 5  
Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0709/18**

**Recommendation – Approve,  
subject to receipt of  
satisfactory consultee  
comments**

**Site: 85-89 Brighton Road, Shoreham-by-Sea**

**Proposal: Demolition of existing clubhouse for Sussex Yacht Club and reconfiguration of site including the erection of new clubhouse on south-east part of site with car park to north-east part of site and boatyard and workshops/stores on west part of site. Realignment of vehicular access, new pedestrian entrance from west and associated landscaping and external works.**

**2**

**Application Number: AWDM/0464/18**

**Recommendation – Approve**

**Site: 72 Old Fort Road, Shoreham-by-Sea**

**Proposal: Demolition of existing dwelling and outbuildings and erection of new replacement two-storey dwelling with balconies to front and rear, two detached garages to front and patio to rear.**



Application Number: AWDM/0709/18

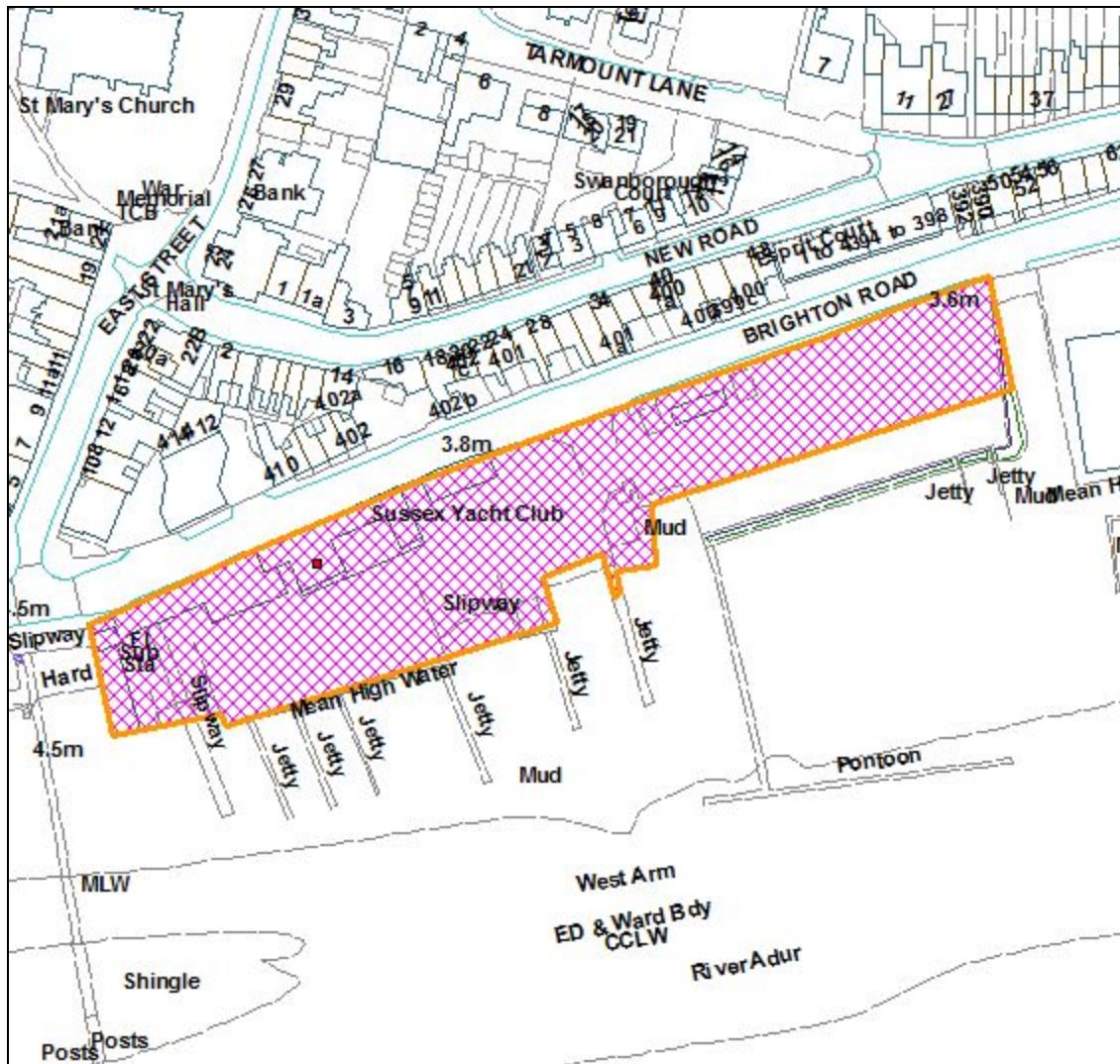
Recommendation – APPROVE,  
subject to receipt of  
satisfactory consultee  
comments

Site: 85 - 89 Brighton Road, Shoreham-By-Sea

Proposal: Demolition of existing clubhouse for Sussex Yacht Club and reconfiguration of site including the erection of new clubhouse on south-east part of site with car park to north-east part of site and boatyard and workshops/stores on west part of site. Realignment of vehicular access, new pedestrian entrance from west and associated landscaping and external works.

Applicant: Sussex Yacht Club  
Case Officer: Peter Barnett

Ward: St Mary's



Not to Scale

## **Proposal, Site and Surroundings**

The application site occupies a site with a frontage of approximately 230m on the south side of Brighton Road and to the east of the Adur Ferry Bridge. It lies within the Shoreham Conservation Area. To the east is the site of 79-81 Brighton Road which is currently being redeveloped for residential and commercial purposes. Opposite the site to the north there are residential properties in New Road and Brighton Road, a petrol filling station and a mix of commercial and residential properties in East Street.

The site comprises a two storey clubhouse, which is positioned immediately adjacent to Brighton Road opposite 402-410 Brighton Road, plus a number of ancillary buildings to the west. The east of the site contains the boatyard and ancillary stores. There are several moorings and two slipways within the site.

It is proposed to demolish all of the existing buildings and to reconfigure the site. A new clubhouse is to be constructed further from the road to facilitate the construction of a new flood wall and foot/cycle path along the site frontage (this element is to be considered under a separate application).

The new clubhouse will be two storeys in height as existing but will be a taller building as a result of the need to raise the ground floor above the predicted flood level. It is to be relocated further south and west than the existing building, to be more closely in line with the petrol station to the north. The space vacated by the existing clubhouse and ancillary buildings is to be replaced with car and cycle parking and a relocated vehicular access. New workshop buildings are proposed along the frontage at the eastern end of the site with the boatyard broadly in the same part of the site.

A new pedestrian entrance is proposed at the west end of the site with a walkway, steps and decking allowing an outside space for views of the river. The works at the western end of the site will necessitate the infilling of the existing private slipway.

The proposed building will have a floor area of 845sqm and will measure approximately 33m long, 14.1m wide and 10.8m high. It will be raised approximately 1.4m above ground level.

The Design and Access Statement describes the concept behind the building design:

*“As a planning requirement, the floor level of the new building would have to be significantly higher than the existing buildings (~1.4m) therefore the height of the building became a very important factor as we developed the building form.*

*By treating the building as two elements, each with a pitched roof, we developed a double pitch form that significantly reduced the overall building height, than if we had pursued a single pitched roof across the whole plan. Furthermore, this provided an opportunity to create generous, bright and attractive communal facilities at first floor, which could utilize the roof space.*

*As we addressed the materiality of the building, it became clear that there were very few materials which would provide the necessary robustness and longevity in such an exposed environment. However, we pursued the notion of two forms to address the town and the riverside differently with an engineering-style brick to the river and a softer red brick to address the street, picking up on the similar use within the town.”*

It goes on to describe the appearance:

*“The building has been designed as a contemporary take on a traditional form to complement the historic vernacular of the town and its architecture. The design builds on a language of yacht architecture and subtly resembles the existing clubhouse, which is a popular local landmark.*

*The exposed riverside location and coastal architecture of the broader surroundings has provided inspiration for the scheme. Our precedents for the buildings also include boathouses and barns which follow a similar vernacular.*

*The building is predominantly built in brick to provide a robust finish and weather gracefully, avoiding concerns over excessive maintenance of other commonly used local materials such as render or timber cladding.*

*The double pitch roof has been designed to reduce the overall ridge height to minimise the overall mass and maintain clear views of the St Mary De Haura church from the opposite riverbank. The two extruded forms are slipped to create depth and interest.*

*The proposal utilises a metal standing seam roof to provide a robust finish which can ex which softens over time to settle the building into its context. The rear roof wraps down the first floor of the north facade, like fabric, and creates a rhythm for passers-by.*

*A driving force within the scheme was to open up the south elevation to maximise the light and views for the Dining Hall and Lounge. Brise soleil provide summer shading to prevent overheating and enhance the longitudinal form.*

*The conservatory and stair core are to be clad in a contrasting standing seam cladding, such as a copper colour, to create an exciting feature toward the town centre and bridge to attract the community into the new clubhouse.”*





The application is supported by a Planning Statement, Design and Access Statement, Flood Risk Assessment, Preliminary Ecological Appraisal and Roost Assessment, Sustainability Report and BREEAM Assessment, Road Safety Audit and Ground Appraisal Report.

## **Consultations**

**West Sussex County Council:** as the **Highway** Authority has made the following comments:

### *Trip Generation*

*While the application seeks the replacement of the clubhouse for Sussex Yacht Club, the floorspace increase will only equate to 188 sqm. Given the existing use of the site it would not be anticipated that the proposal will result in a material intensification of use of the site as a whole over and above what could be created at present.*

### *Strip of Land Fronting Site*

*The proposed and existing site plans detail a strip of land fronting the length of the site. It is appreciated that this strip of land is subject to a separate planning application yet to be submitted.*

*It is understood that there is a proposal to use this strip of land to provide a footway and cycleway facility on the south side of the A259, however the Local Highway*



*Authority does require some clarity over this strip of land in the context of this application.*

*As proposed the setting back of the yacht club boundary will result in a strip of land adjacent to A259 which will be accessible by the public. The local Highways authority has to be satisfied that this proposal will not result in a safety issue irrespective of any future application on this strip of land which may or may not come forward or be approved.*

*The applicant should clarify what is the fall-back position for this piece of land should the associated application not come forward or be approved. The strip could be adopted as public highway under a Section 38 agreement, but this may complicate the implementation of any future application requiring this strip of land.*

*It is noted that the access works will be required to pass through this strip of land and therefore the point of access to A259 should be included within any red edge.*

#### *Access Works & Safety Audit*

*It is proposed to relocate the existing access point into the site from Brighton Road (A259), which is subject to a 30 mph speed limit at this point.*

*These proposed works have been subject to a Stage One Road Safety Audit. Two problems have been identified, I have summaries these below:*

*Problem 1 – Access radii of 3.0 meters too tight.*

*Recommendation – Increase radii to 6.0 meters using ‘overrun areas’.*

*Problem 2 – Pedestrian Visibility at the site access point*

*Recommendation – Provide 2 x 2 meter pedestrian visibility splays utilizing the previously recommended ‘overrun areas’.*

*I note that plan 0001-DC-SW-01-DR-L-0009 seems to demonstrate these recommendations. As per the WSCC adopted Road Safety Audit Policy any Stage One Road Safety Audit should be accompanied by a signed and dated Designers Response. This does not seem to have been submitted, please request this from the applicant and re-consult.*

#### *Visibility Splays*

*The applicant has provided plan 14896-04 which demonstrates visibility splays of 2.4 x 43 metres in each direction. These splays would be considered appropriate for the posted speed limit of Brighton Road (A259).*

### Vehicle Tracking

*The applicant has provided vehicle tracking plans (14896-04) demonstrating how a refuse vehicle can access the site and turn in the forward gear. While these plans would be acceptable tracking plans should be provided for the largest vehicles likely to access the site.*

*Given the proposed use the applicant should confirm that there will be no requirement for any vehicles larger than a refuse vehicle, to access the site.*

### Existing Access & Stopping Up

*The existing point of access will be extinguished as a result of this application. According to my records this access point is known as 'Stowes Gap Hard' and makes up part of the maintained highway network for a length of circa 18 metres into the application site.*

*Not only will the access have to be extinguished but the highway rights of the land within the site will need to be stopped up. Stopping Up is a separate legal mechanism and may not be successful regardless of any planning approval.*

### Restricted Byways

*It is noted that restricted byways 3156 & 3157 run north/south through the application site. I have consulted with WSCC Public Rights of Way pertaining to the impact this development will have upon these restricted byways.*

### Conclusion

*I would ask the matters above are raised with the applicant and the Local Highways Authority is re-consulted. Until such time as the above matters are resolved The Local Highways Authority would not be in a position to formally support this application.*

The **Local Lead Flood Authority** comments are that the site is at low risk from surface water and ground water flooding. The FRA/Drainage Strategy for this application proposes that the surface water from this development would be discharged into the adjacent main river.

This discharge to main river would be subject to EA issuing an environmental permit and as this site is within Flood Zone 3 the EA should be consulted.

**Adur & Worthing Councils:** The **Environmental Health** Officer has no adverse comments. Demolition Notice and full contaminated land condition required.

The **Waste Services** Officer advises that the location of the bin store seems perfect. We do not determine how many bins are required as this depends on the nature of the operation. Commercial waste is on a contractual basis and paid for according to the needs of the business

The Councils **Engineer** advises that the site lies in flood zone 3 and has suffered inundation and flooding has occurred on Brighton Road due to the low levels of the site allowing flood waters from the Adur to flow across it.

The site itself is not prone to modelled predicted surface water flooding but again Brighton Road is, and WSCC are aware of this flooding of the road, homes and car show rooms.

According to the EA finished floor levels of the new building should be set at no lower than 4.95m AOD, this is the level shown on drawing 1300 A. Despite this I would suggest that consideration be given to the use of flood mitigation measures, because the Flood Design level for the Adur Tidal walls is approximately 5.4m, and as the rear wall of the development should be set at this level, it is possible for the new building to flood.

The existing Yacht club site forms part of the River Adur Flood Defence (FRAP) and therefore a Flood Risk Activity Permit will be required from the EA, for any work on the site

Surface water is currently discharged of either over land or via infiltration through the existing degraded tarmac surfacing. I would prefer to see block paving surfacing, across the site, but I understand why tarmac is preferred, and providing this is laid to adequate falls will suffice.

It is proposed to discharge surface waters to the Adur, which is appropriate, I see no reason why this flow should be attenuated, this is alluded to at para 3.7 of the FRA, but all surface water should at very least pass through regularly maintained trapped gullies, to remove rubbish / impurities from entering the River.

It was my understanding that this scheme was to have a wall either fronting the river or setback along the A259, which would be constructed at a height of 5.4m, so the proposals shown on drawing 5982 – 001 in the FRA are not acceptable – unless written confirmation is received from the EA reducing the height of the wall.

The most critical element of this scheme is timing, the site provides an overland flood route from the River Adur, works must be programmed to prevent this so far as practicable.

The **Shoreham Harbour Regeneration Team** advises that the application is considered acceptable and they recommend approval.

The site is located within the Western Harbour Arm character area of the Shoreham Harbour regeneration area. The site is outside of the Western Harbour Arm allocation for new homes and employment generating floorspace. The site is prominently located and is adjacent to the national cycle route, priority transport corridor, and a pedestrian/cycle gateway.

While the BREEAM “very good” rating does not exactly accord with SH1 clause 9, this is considered acceptable on balance due to the further sustainability benefits that would be provided from the public access, planting, and flood defences.

It may be appropriate to include a planning condition that specifies the coastal species of planting to be used. This should state that information regarding the potential coastal species must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The reason for this condition would be to comply with policies SH6 clause 14, and SH7 clauses 5 and 6.

***Environment Agency (1<sup>st</sup> response):***

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk and we would wish to object to the application.

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (April 2018) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

***Condition***

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (April 2018) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 4.95 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan. Also recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs

***Environment Agency (2<sup>nd</sup> response): Objects*** to the proposed development as submitted because of the unacceptable impact it would have on biodiversity and nature conservation. The preliminary ecological appraisal report submitted with the application shows that the proposal will cause a direct loss of at least 60 square metres of Intertidal Mudflat habitat and 4 square metres of saltmarsh. There is currently no proposal to compensate for this impact.

We therefore recommend that planning permission be refused on this basis and will maintain our objection until the applicant has supplied information to demonstrate that the risks posed by the development can be satisfactorily addressed.

**Southern Water:** Formal application for a connection to the public sewer is required.

**Adur District Conservation Advisory Group:** No comments received

**Marine Management Organisation:** Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Line.

**Sussex Wildlife Trust:** Having viewed the preliminary ecological appraisal report submitted with the application, we are aware that it shows that the proposal will cause a direct loss of at least 60 square metres of Intertidal Mudflat habitat and 4 square metres of saltmarsh. The application has not been designed to avoid this loss, there also appears to be no current proposal to compensate for this impact.

#### Importance of intertidal and salt marsh habitat

The Adur Estuary, together with Rye Harbour, represent the only significant areas of intertidal habitat between Pagham Harbour in the West and Sandwich Bay in the East making the Estuary a very important site in terms of its local ecological value.

The intertidal foreshore provides a sensitive and unique habitat that supports an abundance of invertebrates and associated wading and wintering wildfowl. Mudflats and Saltmarsh are recognised as priority habitat in the UK.

#### Policy Context

##### *Adur Local Plan*

Policy 31 (Biodiversity) of the Adur Local Plan 2017 states that, with regards to impacts on biodiversity:

‘If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused.’

This is in accordance with Paragraph 118 of the National Planning Policy Framework (NPPF) which states that if significant harm resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

##### *Shoreham Harbour Joint Area Action Plan.*

The application also falls within the Shoreham Harbour Joint Area Action Plan area (Western Harbour Arm). We refer you to emerging policy SH7: Natural environment, biodiversity and green infrastructure in the submission version of the Shoreham Harbour Joint Area Action Plan.

Point 6

Development proposals will be required to include schemes to conserve, protect and enhance existing biodiversity and to create appropriate habitats, taking into account appropriate, coastal protected sites and species.

Point 7

Where impacts on biodiversity cannot be avoided or mitigated, compensatory measures will be required, taking account of an up-to-date ecological survey.

Advice

The site also falls within the Impact Risk Zone for the Adur Estuary SSSI, therefore we ask the council to actively seek the views of the statutory consultee Natural England.

We ask the council to open dialogue with the applicant to resolve the issues raised in the response. The applicant will either need to design the works in such a way as to have no impact, or they will need to propose suitable alternatives in order to compensate for the loss of habitat.

We remind the council of their responsibilities under section 40 of the NERC Act 2006 and recognise their commitment to adding to Natural Capital under Objective 7 of the Adur Local Plan.

**Natural England:** As submitted, the application could have potential significant effects on Adur Estuary Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

The proposal states that development of the site will result in a loss of intertidal habitat adjacent to the SSSI. The application should firstly consider whether this impact can be avoided. If the impact cannot be avoided, this should be fully justified, and appropriate measures proposed to mitigate the impact. This information does not appear to have been submitted by the applicant.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Further comments from Natural England:

The site is located approximately 20 m<sup>2</sup> to the east of Adur Estuary SSSI. The Adur SSSI, together with Rye Harbour further to the east, represent the only significant areas of saltmarsh between Chichester and Pagham Harbours in West Sussex, and Sandwich Bay in Kent. The estuarine plant communities are unusual due to the relative scarcity of cord-grass, *Spartina* spp. The large area of intertidal mudflats within the estuary are important for a variety of wading birds. Areas of saltmarsh and mudflats are also present within the site boundary.

The Design and Access statement and the Planning Statement submitted with this application state that there will be no reduction in areas of intertidal habitat, and no impact on statutory or non-statutory designated sites as a result of this proposal. Conversely, the Ecological Impact Assessment states that there will be a direct loss of 60m<sup>2</sup> mudflat and 4m<sup>2</sup> saltmarsh where slipways are infilled. These intertidal habitats are UK Biodiversity Action Plan (BAP)/priority habitats and support the adjacent SSSI. No information is provided on how these impacts could be avoided, or otherwise mitigated. Furthermore, the cumulative impact of habitat loss/damage with regards to development in the surrounding area has not been considered alongside this proposal.

With regards to planning policies, the site is located within the Shoreham Harbour Regeneration Area, as identified within the Adur Local Plan. Policy 8 of the Local Plan states that 'all development will be required to protect and enhance the area's important environmental assets and wildlife habitats and in particular minimise impact on the Adur Estuary SSSI'. We would also refer you to the points contained within Policy SH7 of the emerging Shoreham Harbour Joint Area Action Plan, which applies to this application site.

In accordance with the above, we would advise that the proposal is revisited to avoid any loss of/impacts to the intertidal habitat. Any identified impacts which cannot justifiably be avoided should be supported by suitable and robust mitigation measures. We recommend that this information is obtained from the applicant prior to determination of this application.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

***Adur Access and Mobility Group:***

1. The doors should ideally be 1000 mm; 900 mm should be the minimum; 800 is pushing it, especially for a new build
2. Much depends upon the actual internal arrangement.
3. I would commend the use of Closmat or similar auto washing toilets
4. I should like to see what they make of the internal arrangement - careful consideration needs to be given to how someone in a wheelchair operates the doors - they do not have elastic arms! Also, there is too often a lack of mirrors to enable clear vision behind when exiting the loo in reverse, and such as wash hand basins and dryers tend to be placed where the user has to be a contortionist and reach behind them. 7 sq m. should allow for an assistant, but again, internal arrangement is critical.



5. Can they please avoid uneven and lumpy surfaces like decorative cobbles, which are boneshakers for wheelchair users (like Ropetackle!)

## **Representations**

1 letter of objection received from the occupier of 12A East Street:

- Moving the vehicular access nearer to the town centre will cause more congestion and disruption to an already overloaded road
- Noise pollution will be moved nearer to her property as comings and goings will be opposite her property
- Will lose privacy on her roof terrace
- Loss of view from roof terrace over the river
- Loss of property value

1 letter received from a representative of Sussex Sailability:

- Excellent design will be very beneficial for club members and will improve the street scene
- Have reservations about wheelchair access
- General changing rooms should be able to accommodate wheelchair users to avoid discrimination
- Proposals should be checked by an Access Consultant

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 Policies 2, 8, 11, 15, 17, 18, 28, 29, 30, 31, 34, 36

Proposed Submission Shoreham Harbour Joint Area Action Plan 2017 CA7, SH1, SH3, SH5, SH6, SH7, SH8, SH9

Shoreham Harbour Interim Planning Guidance (ADC & Ptnrs 2011)

Shoreham Waterside North Interim Planning Guidance (for ADC & Ptnrs 2000)

'A Strategy for Shoreham Renaissance' (ADC 2006)

Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)

West Sussex Parking Standards and Transport Contributions Methodology (WSCC 2003)

National Planning Policy Framework (July 2018)

## **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**

### ***Principle***

There is no objection in principle to the redevelopment of the yacht club and the replacement of the clubhouse with a new building in a new location, particularly as it will facilitate an improved flood defence and a new footpath and cycleway on the south side of the A259. The main considerations are assessed below.

### ***Visual amenity and impact on Conservation Area***

The existing building has a simple pitched roof design with brick on the ground floor and a timber clad first floor. Its position immediately adjacent to the road makes it a prominent feature in Shoreham and its scale is in keeping with its surroundings.

The new building will be pushed further from the road and will be raised above the flood level. It will have a dual pitched roof form and will be a more substantial presence on the site, being some 3.35m higher above ground level. However, the dual pitch does help to reduce the overall height, however, when compared with a single pitched roof across the whole building and the applicant asserts that it will help to maintain views of the St Mary De Haura church from the opposite riverbank. However, the Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy identifies the view of the Church tower from directly south of the site on the opposite riverbank on Shoreham Beach as being a key point for viewing the town in its setting. It states that *“Protection of the landmark quality of this tower is a key issue in considering applications for new development in the area.”*

It is likely that the increased height and forward position of the new building in views from the south will have an impact on views of the Church, with the main body of the Church lost from views from the new seating area adjacent to the footbridge. The tower will remain in view, albeit seen behind the more prominent clubhouse in the foreground. A plan demonstrating the visual impact from Shoreham Beach was still awaited at the time of writing and this plan – a verified view of the height of the development, will help to assess the full impact of the development on the Grade I listed church.

The NPPF requires the LPA to assess the level of harm to a heritage asset such as this when considering planning applications. It states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

In this case, although a further plan is awaited it is apparent that there will be harm as views of the Church from the opposite riverbank will be diminished. However, the level of harm is not considered to be substantial as views of the Church open up again as one travels along the riverside and over the footbridge, as is evident from the artist impression submitted with the application. In this case there are substantial public benefits that will be secured in the form of flood defences and a new

cycleway/footway. Nevertheless, the diminution in the view of the Church from the opposite riverbank is of some concern and depending on the latest plan, there may be a need to consider reducing the height and/or re-siting of the proposed building to help mitigate the impact on the setting of St. Mary's Church.

The external materials have been chosen for robustness and longevity in this exposed location but with consideration to the contrasting views from the town and from the river/footbridge. An engineering-style brick has been chosen for the river frontage with a softer red brick to the road frontage. The building is deliberately contemporary in its appearance but uses the vernacular of boathouses and barns. A metal standing seam roof is proposed which wraps down the first floor on the north elevation. There is some concern that metal roof could cause reflection and prevent the building blending in with the more muted colours of the surrounding Conservation Area. The applicant has been asked to provide materials to demonstrate that a matt grey could be achieved to address this concern.

From the road (north) the roof is lower to reduce the perceived mass of the building from the town. Its position further south also helps to reduce the impact of the building on the street scene and residential properties opposite and helps to 'open up' this stretch of Brighton Road. However, it will be a large building and it is acknowledged that it will be a more dominant feature in this part of Brighton Road, albeit considerably lower in scale than the development at 79-81 Brighton Road further east.

From the east the building has a roof overhang over a walkway/entrance at first floor and a large glazed area in the first floor gable.

It will be a prominent building when viewed from the footbridge and its southern and western elevations have a striking appearance, with a projecting glazed conservatory corner feature and full length terrace at first floor. The conservatory and other features on the building are to have copper coloured metal cladding to provide further visual interest. The new pedestrian entrance and stepped sitting area will provide an attractive and active frontage facing the river.

Other elements of the development will have less visual impact, such as the new workshops on the road frontage to the east of the site. These are proposed to be finished in blockwork and will be approximately 3.6m high at the road side, reducing to 2.6m into the site. They will be only partly screened by the new flood wall and railings, subject of a future separate application, and there is concern that such a material and form of building immediately on the road frontage will detract from the development and harm the Conservation Area. Further consideration needs to be given to the design and finish of the workshop buildings.

The provision of parking spaces on the road frontage should not have a harmful visual impact as they will also be partly screened by the flood wall and railings. A bin store is shown as being adjacent to the new vehicular entrance which will be visible and it is considered that this could be relocated to a less prominent position or located within an appropriate building in order to reduce the impact of a bin store in such a prominent position.

All of these matters were unresolved at the time of writing and an update will be provided at the meeting.

### ***Residential amenity***

The new building has been pushed further into the site and relocated further west than the existing. It will now be aligned to be in front of the petrol filling station on the north side of Brighton Road rather than the residential dwellings to the east as is currently the case. Its position further into the site will also help to reduce the impact on residential amenity. By moving the building westwards, it will sit in line with the rear of buildings in East Street and an objection has been received from an occupier of a flat in that street whose roof terrace currently enjoys clear views towards the river. The building will be more than 50m from the rear of the affected property and it must be remembered that the loss of a view is not a material planning consideration. However, while it is acknowledged that views from the terrace will be partly restricted by the new building, views will still be possible to the west side of the building and the impact is not considered to be significant.

### ***Accessibility and parking***

The proposal involves stopping up the existing vehicular entrance and relocating it approximately 45m further west. The application has been supported with a Stage 1 Road Safety Audit. The construction of the access is tied up with the separate proposal for the new flood wall, footway and cycleway but West Sussex County Council have requested further clarification should that proposal not come forward. However, that application is expected to be submitted imminently. Should it not go ahead, the agreed fallback situation is that the whole proposal will not go ahead and the club buildings, entranceway and frontage will stay as they are.

Other minor clarifications have been sought by WSCC Highways and these, together with the County response were still awaited at the time of writing and an update will be provided at the meeting. However, there is no highway objection to the proposals in principle.

### ***Stopping Up of Stowes Gap***

The proposal to move the vehicular access and stop up the existing access will impact upon Stowes Gap Hard, a public highway. To extinguish access over it requires a formal Stopping Up Order which is a separate legal mechanism.

Two restricted byways 3156 & 3157 run north/south through the application site and the comments of the County Rights Of Way Officer were still awaited at the time of writing.

### ***Flood risk***

The site lies within an area of flood risk (Flood Zone 3) and the new building is being built closer to the water's edge in an area currently used for boat storage. The

development will include the construction of a new flood wall and gates along Brighton Road to a height of 5.4m AOD (subject of a separate application).

Buildings used for water-based recreation are generally classified as 'less vulnerable' in the Planning Practice Guidance but the proposal includes a bar which makes the development 'more vulnerable'. Such development is acceptable within Flood Zone 3 providing the Exception Test can be demonstrated to be passed.

In this case, the site is adjacent to the river and, by its nature, requires a riverside location. The development will result in a sustainable building which will not increase flood risk on the site or elsewhere and, through the creation of the flood wall, will actually reduce flood risk overall. The building itself will be constructed at a higher level than the existing with finished floor levels of 4.95m AOD. While this is lower than the predicted flood level for the 1 in 200 year tidal undefended scenario of 5.08m AOD, the building does offer safe refuge at first floor. A higher floor level will have a greater visual impact and the proposed level is considered to be acceptable in flood risk and visual amenity terms. There is no objection to the application from the Environment Agency with regard to flood risk.

### ***Sustainable and resource efficient buildings***

The building is proposed to meet the BREEAM Very Good rating and an initial assessment has been submitted with the application, as well as a Sustainability Report. The layout of the building has been arranged to benefit from natural daylighting and ventilation, representing effective passive design.

Solar thermal panels are proposed and the applicant is also considering the provision of photovoltaic panels, subject to further feasibility review and budgetary constraints.

The BREEAM Very Good rating conflicts with the JAAP which states that "all new commercial buildings should meet the BREEAM 'excellent standard'" which is 70%. While there is this policy conflict, it must be noted that this represents a robust "very good" rating as the minimum "very good" score is 55% (proposal is for 66%). The "very good" rating also complies with Policy 18 of the Adur Local Plan and therefore complies with adopted policy (the JAAP has not yet been adopted).

### ***Ecology and biodiversity – Intertidal Habitat***

The site lies within 20m of the Adur Estuary SSSI and the application is supported by a Preliminary Ecological Appraisal which identifies that the "*development will require the 'in-filling' of the west slipway, resulting in the loss of approximately 60m<sup>2</sup> of intertidal mudflat habitat and 4m<sup>2</sup> of lower saltmarsh in the form of a monotypic stand of glasswort. These are both habitats, of local importance, and their loss must be adequately compensated for.*"

A preliminary roost assessment for bats has been carried out and the existing clubhouse has been found to have low or negligible potential for roosting bats. Habitat suitable for birds and fish has been identified and suitable mitigation is required to avoid any impact.

Various best environmental practice measures are recommended in the Appraisal and these can be secured by condition. With regard to the impact on the mudflats, compensatory habitat is required to be provided to ensure that there is no net loss for biodiversity purposes. The Appraisal recommends the following:

*“To achieve this linear intertidal mudflats could be created as an integral part of any new, upgraded or existing river wall and include micro-habitats such as rock pools and vertical substrates for algal and mollusc growth etc. The mid to upper zone of the river wall could include ledges and/or vertical beaches at or above the intertidal zone to create compensatory saltmarsh habitat or other coastal habitats such as flower-rich coastal grassland and vegetated shingle. Outline design details are provided below under River Edge Treatment.”*

The applicants have responded to objections from the Environment Agency, Natural England and the Sussex Wildlife Trust by advising that in order to provide the 3.5m wide strip of land to facilitate the pedestrian and cycle way and flood wall, the clubhouse needs to be rebuilt further into the site which will necessitate the infill of the existing slipway. They have confirmed that they will carry out the following mitigation measures to compensate for the loss of habitat:

- Attach timber baulking to the piled wall
- Attach loops at 3m spacing of hawser rope running the full height of the new Wall
- Install vertipools at various places around our site
- Invite our local school to engage in the creation of new linear intertidal mudflat and the replanting and encouragement of saltmarsh
- Set aside an intertidal habitat area of c100sqm for the creation of the above referred mudflat attaching in this area:
  - Timber baulking (vertical and horizontal) with some timbers higher than the ground level for bird perching
  - Build and install planters between and behind the horizontal timbers
  - Creation of a shelf midway between MHWN and MHWS to establish saltmarsh vegetation. This shelf will be back filled with sediment taken from the area to be infilled
  - Boulders will be installed with cores drilled to encourage invertebrate habitat
  - Landscaping and planting to the site is in process and will be designed in accordance with our ecological report's recommendations and those of the planning authority when our application is submitted. If EA or other bodies wish to recommend any particular landscaping or planting we would be happy to receive this.

A plan has been submitted showing these proposals and the EA, Natural England and Wildlife Trust have been re-consulted. Their comments were still awaited at the time of writing and an update will be provided at the meeting.

### **Disabled Access**

The Design & Access Statement states that *“within the building, there are level thresholds and a platform lift to provide access to all areas of the building. Accessible bathrooms and changing facilities are provided with out of hours access for members staying on site overnight, using fob access control.”*

However, concern has been raised about access to the building for wheelchair users and other disabled people. While the plans show accessible changing facilities on the ground floor these are separate from the general changing rooms and the objector considers this to be discriminatory.

The applicant has responded by advising that all the door widths will be minimum 800mm clear (Building Regs min) and therefore would not restrict accessibility. The showers provide level access and are 1000mm x1200mm and they will ensure 800mm clear cubicle door opening although it is acknowledged that these would not be DDA compliant showers which would be required to be 2200x2000 to provide turning circles internally.

Space between benches is 1400mm but could be increased to 1500mm to ensure the full turning circle is maintained.

Minor adjustments to the showers to enable improved access could be incorporated but it would prove difficult to increase to the size noted above.

The local Access Group has been consulted on the proposals and, while they have suggested a few alterations to door widths, etc, they have not expressed any strong concerns.

### **Recommendation**

**Subject to the receipt of comments from West Sussex County Council Highways, Environment Agency, Natural England and Sussex Wildlife Trust removing their objections to the application, and the submission of an adequate heritage statement assessing the impact of the proposal on views of St Mary’s Church, APPROVE**

### **Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. To be constructed in accordance with recommendations in Ecological Appraisal
4. Contaminated land
5. Materials



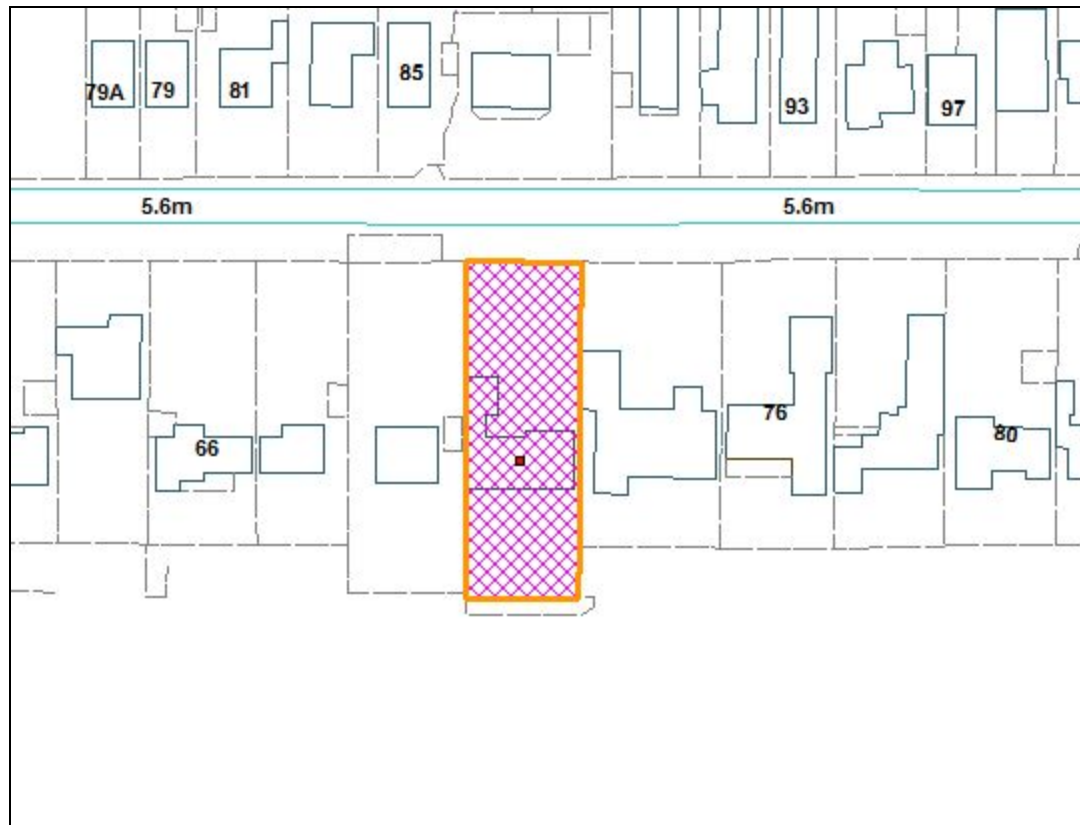
6. Construction management plan
7. Hours of construction
8. Stopping Up Order Stowes Gap
9. Conditions required by WSCC Highways
10. Car parking
11. Access
12. Secure compensatory habitat
13. Details of bin store design to be submitted and approved
14. Details of pedestrian entrance gates to be agreed
15. Demolition and clearance of existing buildings
16. Building to meet Very Good BREEAM rating
17. Landscaping

6<sup>th</sup> August 2018



Application Number: **AWDM/0464/18**Recommendation – **APPROVE**Site: **72 Old Fort Road, Shoreham-by-Sea**

**Proposal: Demolition of existing dwelling and outbuildings and erection of new replacement, two storey dwelling with balconies to front and rear, two detached garages to front and patio to rear.**

Applicant: **Mr & Mrs Tony And Michelle Ritchie**Ward: **Marine**Case Officer: **Hannah Barker****Not to Scale**

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### **Proposal, Site and Surroundings**

The application relates to a detached two storey dwelling with tiled, gable roof, glazed entrance porch with steps up to the entrance and detached, hipped roof garage building to the property frontage. The property has an existing single storey section to the side, adjacent to the western boundary which projects forward towards the front of the site. It is understood that this single storey part of the building is a separate annex, with provision for kitchen, dining, bedroom, bathroom and reception room. The plans show the main part of the house to be of conventional style with ground floor

living accommodation and four bedrooms at first floor. The conservatory extension to the rear has been removed since the initial site visit.

As with other properties on the southern side of Old Fort Road the dwelling is set back from the highway with a large driveway and parking area. There is an existing swimming pool and pool building in the rear garden with the beach beyond.

The site is approx. 18.5 metres wide and 57 metres in depth.

Permission is sought to remove the existing dwelling house and garage and for the erection of a new two storey detached dwelling house with two detached garage buildings to the front of the site.

Since the original submission two sets of amendments have been received showing the overall footprint of the building reduced, slight height reduction in roof and chimneys, reduction in eaves depth, alterations to the use of materials, changes to the rear first floor to reduce roof overhang with balcony and screens, set back of first floor of building at front.

The scheme as amended is for determination and consideration here. The plans show a large, uniform building with recessed covered porch, front and rear balconies with two symmetrically positioned garage buildings to the front of the site. The building has a width of 15.45 metres and depth of 13.9 metres including the balconies. The building is shown with two full storeys and a hipped roof, two chimneys are proposed, these are more visible from the rear as they are set down on the rear roof slope although they will exceed the ridge by 0.4 metres. The ridge height is 8.2 metres. The plans show this slightly lower than the ridge of the existing building. Generous living space is provided with 4 bedrooms with en-suites at first floor with a large landing. At ground floor there is proposed kitchen/dining space, living room, study, utility, cinema room and hall. The front first floor balcony faces north and is above the entrance. To the rear a balcony runs the full rear width of the building facing south. The balcony is 1.2 metres in depth and is shown with glazed balustrade. 1.8 metre high privacy screens are on the east and west end of the rear balcony.

The materials proposed are unusual and will contribute to the original design and will result in a striking appearance. The building does not replicate any other building form, design or materials nearby and like many other dwellings on Old Fort Road is considered to be a statement building, developed from the desires of the applicant.

At ground floor blue stone is proposed with white brick at first floor with white mortar, the roof is proposed to be natural blue slate and windows timber framed in dark grey.

The agent's Design and Access statement (as revised) states the following in describing the proposal *"The layout of the house is classical. The house is symmetrical from the front and rear. Any alterations to accommodate the floor layout is expressed on the side elevation so that the front and rear elevations can remain symmetrical."*

The site is within Flood Zone 3, the applicant's agent has submitted a Flood Risk Assessment with the application. To accompany this, the agent's Design and Access Statement states: - *"The ground floor has been elevated by 500mm to overcome flood risk. This measurement is taken from the average site level of 6 m above sea level. The ground floor is therefore set at 6.5m. Environment Agency data confirms the flood risk level in the year 2115 is 6.19m (above sea level). EA recommend new build ground floor level being 300mm above the flood risk level. The existing sill height of the front door is 6.31 and the back door is 6.32. It can therefore be demonstrated that the proposed ground floor is 185 mm above the existing ground floor level. Through good design we have therefore mitigated the risk of flooding with a minimal increase in floor level."*

The formal consultations response from the Environment Agency is set out below.

Comparing the proposal to the existing building at the site with regards to footprint and scale the ridge is no higher than existing. The bulk, scale and footprint are increased from that which exists on site. The building extends further to the north (front) of the site than the existing by 3.6 metres at first floor and 2.7 metres at ground floor, not including the front canopy porch which is an additional 1.9 metres. The building is set in from the properties either side further than the existing building, yet the height is increased adjacent to the boundary particularly to the west adjacent to no. 70 where there is currently a single storey section of building. This will be increased to the full two storey height.

It is noted that the boundary lines are disputed by the adjacent neighbours and Officers have been advised that the boundary shown on the plans are incorrect. Officers have raised this issue with the applicant's agent and he has advised that this would be resolved prior to commencement of works. Under the Party Wall Act, details of work adjacent to existing boundaries must be discussed and agreed between neighbours and the agent has stated that there is no intention to move any boundaries, *"Please note that on the west side we are intending to build a new wall entirely on the application site where a boundary will be missing as a result of the demolition. All boundaries will be respected."*

Although currently the exact boundaries are not clear, this is not considered to affect the assessment of the proposal. This is a civil matter to be discussed and agreed by the relevant parties. The submitted ground floor plan shows the 'existing physical boundaries' marked i.e. the existing walls between neighbours and the site. Distances are shown between the proposed building and these physical structures. 1.6 metres is shown between the proposed garage on the eastern side of the property frontage and the existing wall at No. 74. There is a distance of 1.85 m shown between the new building and the existing wall between No.74 and the application site. Similarly 1.87 metres is shown between the front corner of the proposed house on the western side and the existing neighbouring garage at No. 70. Therefore, for the purpose of considering this proposal it can be seen the proposed spacing between the proposed development and adjacent properties. An appropriate assessment of the visual impact upon the street scene and residential amenity of neighbouring properties can be made. The existing (single storey at the front and two storey at the rear) building at No. 72 is abutting the side of No. 70, this set in will be increased to 1.87metres at

the front as stated above and to the rear the distance between the buildings will be 2.6 metres.

The building design includes deep eaves as a feature and the revised plans show a further reduction in depth of these eaves to 0.7 metres overhang.

The plans do not give any details with regards to hard or soft landscaping to the rear other than a patio area being shown leading from the ground floor of the existing house. The frontage is shown with a gravel driveway with centrally positioned electronic gates with planting either side. The vehicular access is to be moved to a central position to compliment the symmetrical design of the new development.

### **Relevant site history**

First Floor Side Extension, Infill Extension To Garage & Formation Of Pitched Roof To Garage - SU/134/98/TP

Detached Triple Garage At Front (Existing Garage Converted To Bedrooms With Front Bow Window); And First floor Extension On E.Side - SU/142/00/TP

Pumphouse (For Swimming Pool) At Rear (Retrospective) - SU/84/01/TP

### **Consultations**

**West Sussex County Council:** The **Highways** Officer does not consider that this proposal would have a severe impact on the operation of the highway network therefore is not contrary to the NPPF and that there are no highway capacity or safety concerns to resist the proposal. The VCO is shown on the plans as 8 metres in width, this should be a maximum of 6.4 metres. Boundary treatments to the front of the property should be no higher than 0.6 metres which will enable sufficient pedestrian visibility at the site. If the LPA are minded to approve the application the following conditions should be secured: - Access, vehicle parking and turning, cycle parking, informative - vehicular cross over - Minor Highway works.

The **Private Sector Housing** Manager has no objections.

**Environmental Health:** - Contaminated land a precautionary condition and PFA informative are recommended.

### **Environment Agency:**

*"We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk and we would wish to object to the application. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (March 2018) submitted with this application are implemented and secured by way of a planning condition on any planning permission.*

## Condition

*The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2018) and the following mitigation measures detailed within the FRA:*

- *Finished floor levels are set no lower than 6.60 metres above Ordnance Datum (AOD).*

*The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason To reduce the risk of flooding to the proposed development and future occupants.”*

**Southern Water:** Recommends informatives.

## Representations

### Original Plans:

Objections received from owner/occupiers of No. 70 Old Fort Road

- Errors on plans – boundary shown incorrectly to benefit of client. Plans will not benefit us as inferred in supporting evidence.
- Loss of light to dining area due to increase in height of building, eaves.
- Loss of light to art studio (employment space)
- Loss of light to landing corridor
- Raising the ground floor due to flood risk – No flood risk on Old Fort Road. No. 83 ticked no. to flood risk. No. 44 built down. Nos. 96 And 28 no flood risk.
- Misleading, steps up to the front.
- Building volume – incorrect – existing annex.
- Data misleading – significant increase in accommodation, roof volume not included, roof could be converted.
- Overlooking loss of privacy to rear patio/sunbathing area by veranda, veranda would overlook bedrooms.
- Eaves should be reduced and serve no purpose.
- Tarmac and tree details incorrect.
- Confusion over swimming pool and building that would be required. No information given.
- No details given as to how the rear of the building will be improved.
- No details given as to the intentions of the owners. No communication.
- Impact upon the historic property, pre-war, overbearing.
- Change welcomed but more spacious development should be achieved.

Objections received from owner/occupiers of No. 74 Old Fort Road

- Loss of light to dining room, the building will be closer and darker, large overhang.



- 1.4 m gap but does not take into account eaves measurement.
- Overlooking – rear garden raised therefore would need privacy protected, fences and obscured glazing.
- Chimneys increase height of development and are imposing.
- Misleading calculations relating to increase in scale and volume of property, detrimental to the overall impression of the property.
- The development will not be neighbourly as stated by the architect.
- Errors in the plans.

Objection received from owner/occupier of No. 87 Old Fort Road

- Massive development has taken place on the beach over the years.
- Concern is the massive size of the proposal.
- No improvements and overbearing to properties either side.

Objection received from owner/occupier of No. 85 Old Fort Road

- Monster building
- Unneighbourly
- Too high

Objection received from owner/occupier of No. 81 Old Fort Road

- Design, overdevelopment

Objection received from owner/occupier of No. 68 Old Fort Road

- Design, overdevelopment, privacy light and noise, trees and landscape.
- Over develop the site and over shadow adjacent properties.
- Over development has already taken place on the foreshore. Something I know the council are not keen to replicate.

### **Amended Plans (includes comments relating to both sets)**

Objection received from owner/occupier of No. 70 Old Fort Road

- Previous comments objections still stand comments are in addition to those already made. There are still no representations in favour of this project.
- Architect has not visited either property to understand the issues raised.
- Insignificant amendments
- Main issues in original objection totally ignored.
- Boundary issues, incorrect 2 metres wall or retain existing wall.
- Loss of light, welcome change in materials but building impact still same.
- The size and shape of the building needs to be changed significantly to be anywhere near to resolving the loss of light issues but unfortunately this has failed to happen.
- Height of building not justified.
- Remodelling of house could take place.

Objection received from owner/occupier of No. 74 Old Fort Road

- Continue to object, amendments have not addressed any of the issues raised. See previous objection letter. The amendments are token.
- Loss of light to side of property.
- Overbearing
- Overlooking/privacy
- Design
- Best way to improve this is to drop the symmetrical design in favour of a design that is more sympathetic to neighbouring properties.

### **Relevant Planning Policies**

Adur Local Plan (2017) Policy 15, 21, 37

'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Space Around New Dwellings and Flats'  
National Planning Policy Framework (March 2018)

### **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**

#### **Principle**

The proposal comprises replacing the existing dwelling located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, design and the effect on the character and appearance of the area. Flood Risk and highway issues are also for consideration.

#### **Visual amenity**

The proposed dwelling will be another addition to the already rather eclectic street scene in Old Fort Road. New replacement dwellings and older style buildings sit side by side, all varying in style and use of materials to form the very unique character of this locality. To the east is No. 74 a chalet style bungalow with garage to the front and to the west is No. 70 which has merit due to its history, it pre-dates the 2<sup>nd</sup> World War and is an example of art deco design.

The design and individual style of the dwelling proposed here has been developed by the architect and his client. It is not considered that the specific style or design can be questioned and it is not considered that there would be any grounds for refusal based solely on the overall design of the dwelling proposed as the street comprises so much variation. The use of contrasting materials in the form of a blue finish and white brick, again does not follow any existing materials but given the existing variation in materials brick, colour and render this variation is acceptable. The key consideration here is how the development fits in scale, height and proportion in relation to adjacent dwellings and surrounding, existing development.

The agent's Design and Access Statement describes the proposed design, "The clients design brief is to design a house that would be classical and elegant. Many examples of classical villas were considered although a scholarly 'pastiche' design was considered not to be complimentary to Shoreham Beach. Influences from 'Caribbean' residential architecture were considered and a number of design principles became important to the appearance of the house." These are listed in the supporting document and include large eaves, symmetrical chimneys, covered entrance porch, symmetrical rear and front elevations, windows that have the proportions of classical sash windows and an elevated ground floor.

The applicant's agent has provided justification for the raised floor levels and necessary height of the building due to Flood Risk issues. The site is located in Flood Zone 3 and as a result the EA do require finished floor levels to be a minimum of 6.60 above Ordnance Datum (AOD). However purely in terms of street scene, character and visual amenity the height of the building is consistent with the surrounding locality and does not represent an unusually tall building within the street, the height increase is only greater as a result of the chimneys which have been lowered from those originally submitted in the latest revision. In design terms the building is two storey with a hipped roof and it is not considered to be out of keeping here in form or height. The eaves height is lower than the adjacent flat roof at No. 70. A condition is attached to remove permitted development rights so that further additions to the roof cannot be carried out without prior approval from the LPA.

The space to each side of the dwellings is considered sufficient to avoid a visually cramped form of development when viewed from the street. Space exists between the buildings which is greater than existing, despite the scale and bulk of the building being greater. The proposal does not represent overdevelopment and is not significantly detrimental to the character and appearance of street scene or surrounding built environment. There would not be sufficient justification for refusal here in terms of visual amenity in the light of the overall character of Old Fort Road.

The proposed garages will not project beyond the line of the garage to the east and would be approximately 14m from the road. The garages are not considered to be unduly prominent or out of keeping.

## **Residential amenity**

Six objections have been received from local residents in total including the neighbouring dwellings either side of the site. The objections still stand following the various amendments to the scheme.

The building proposed would be an increase in scale and footprint from that which currently exists. There would be increased impact upon the adjacent neighbours in terms of loss of light and some overbearing impact. However, it is considered that the loss of light and outlook which would result would not be so significant to warrant a refusal of the scheme in this case.

In the case of No. 70 to the west, there is currently a single storey section of existing dwelling adjacent to this boundary. This would be increased to two storey, therefore there will be an increased bulk and height of the building adjacent to this boundary. There are side windows at No. 70 which would be impacted. A ground floor side window serves a kitchen/ dining area, there is currently no outlook from this window as it faces onto the side wall of No. 72 within a narrow alley. Yet some limited light is received here due to the adjacent building being single storey adjacent to the boundary. The increased height of the building adjacent to the boundary will reduce light further, however, on balance it is not considered that a reduction of light to this area of already limited light and no outlook would give rise to sufficient justification for refusal here. There is a larger dining area to the rear of the dwelling, facing south with significant light and outlook.

The owner of No. 70 uses a ground floor room as an artist's studio, the main part of this room faces south with light and outlook directly toward the beach. To the rear of this space is an en-suite bathroom facility with obscurely glazed window facing to the side toward the boundary with the application site. This space is used for mixing of paints and ancillary uses to the artist's studio area. As above this space is served by a side window which faces onto the side alley with no outlook and currently limited light which will be further reduced due to the increased height of the adjacent development. Again this impact, although acknowledged, would not justify a refusal of the scheme. Light and outlook would be received to the main part of the studio from the rear, south facing full height glazed door and side window. It is not considered that the loss of light to the ensuite facility would justify a refusal here.

At first floor at No. 70 is a side landing window this provides light to the corridor which runs along the full width of the first floor. The increase from single storey to two storey adjacent to this boundary will impact upon light received here but this window serves a landing and therefore loss of light to this space would not warrant a refusal.

The revised plans have shifted the development from the boundary increasing the spacing between the side windows and the new building, this combined with the change in use of materials has improved the scheme from that originally submitted. It is acknowledged that impact remains but not to the extent that a refusal of the scheme could be justified.

There are side windows at first and ground floor which will face onto No. 70 these are to be fitted with obscure glazing and be non-openable with the first floor windows with top opening fanlights only. Therefore no loss of privacy will occur. The balcony sides to the rear are to be fitted with privacy screens balconies which are commonplace on the beach and would not affect residential amenities detrimentally in this case provided the screens remain in place. A condition is proposed to deal with this issue. The front balcony is set in from the side boundaries, however, in the interests of neighbourliness a condition is also attached to ensure that balcony screens are in place at all times. As none are shown on the plan the condition requests details to be submitted and approved prior to occupation.

It is not considered that the new development will result in any overlooking of loss of privacy to the occupiers of No. 70. As above the side windows will be obscurely glazed and non-openable as per the attached condition and the same applies with the balcony privacy screen.

There are side windows at No. 74 which serve a deep (north to south) open plan dining space and lounge area. This space also has a north aspect with the main kitchen window to the front and open aspect to the south from the lounge. Additional light and outlook is received from the two side windows. The additional depth of the building being set further forward than existing will remove some of the light and aspect to the side window serving the dining area. Despite the revised plans reducing the depth at first floor by 1 metre there will still be some impact. This impact is acknowledged, however light and outlook will still be received to this open plan area with the main aspect to the south through the lounge area.

On balance, the loss of light and outlook here would not have such a significant impact to warrant a refusal of the scheme in this case. It should also be noted that despite the increased depth and impact on outlook there remains a distance in excess of 4 metres between the windows impacted and the new building, which is a greater distance than already exists. The side elevation of the existing building at No. 72 is finished in light coloured materials. It is considered that any further development here should be in light materials also to limit impact. Despite the proposal being shown to have a blue finish at ground floor it is considered that the side elevations of the new building should be finished in lighter materials to lessen impact to both adjacent neighbours. A condition is attached to require samples of materials to be submitted prior to commencement of development.

There is concern that the change in levels to the rear patio area and side passage/access as a result of the development will give rise to increased levels to the rear resulting in overlooking to adjacent amenity space. A condition is attached to require that prior to commencement of works details of levels and sections of the proposed hard landscaping be submitted and approved, along with details of boundary treatment to be submitted and approved. This will ensure that boundary treatment of the correct height is to be installed on the agreed boundaries prior to commencement of works. This would help ensure that no loss of privacy will occur here between properties.

In addition the owner of No. 74 is concerned how they will access their side garage windows for maintenance if a boundary wall is built adjacent. Whilst this concern is appreciated, a new garden wall could be built up to 2 metres in height under permitted development rights.

### **Parking and Access**

As set out above there are no objections to the development from the Highway Authority subject to the conditions and informatives being attached. There would be sufficient off street parking and cycle parking provision. The width of the vehicular access should be reduced in line with the advice and this is conditioned.

### **Flood Risk**

The Environment Agency has no objection to the development subject to the condition set out above and attached to this recommendation.

### **Recommendation**

#### **APPROVE**

#### **Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. Samples of materials to be submitted side elevations should be of a light coloured material to protect residential amenity.
4. Removal of PD including outbuildings/loft
5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2018) and the following mitigation measures detailed within the FRA:  
Finished floor levels are set no lower than 6.60 metres above Ordnance Datum (AOD).  
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.  
To reduce the risk of flooding to the proposed development and future occupants.
6. Hours of work
7. No development shall take place until details of hard landscaping proposed to the rear and side of the dwelling have been submitted and approved, including, levels and sections at the rear and side to include the proposed patio and any side pathways.
8. No development shall take place until details of means of enclosure including heights, sections and finish have been submitted to and approved by the LPA. The approved boundary treatment shall be installed prior to commencement of works and shall remain in place at all times during construction and once

development is complete this shall be maintained as agreed at all times unless otherwise agreed in writing by the LPA.

9. Obscure glazing, east and west non openable windows opening fanlights at first floor.
10. Balcony privacy screens front and rear balconies.
11. No part of the development shall be first occupied until such time as the parking and vehicular access has been constructed to a maximum width of 6.4m. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the submitted plans, this includes garages for vehicular and cycle parking. These spaces shall thereafter be retained for their designated use.
12. Front boundary treatment shall not exceed 0.6 metres to not restrict pedestrian visibility.

#### Informatives:

1. The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to arrange for the Access Protection Line (APL) to be extended across the existing dropped kerb access point on to Old Fort Road.
2. PFA
3. Contaminated Land
4. *Vehicle Crossover – Minor Highway Works*  
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission goes not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerb-s-or-crossovers-for-driveways-licence/>  
Online applications can be made at the link below, alternatively please call 01243 642105.  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerb-s-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>
5. 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.
6. A formal application for connection to the public sewerage system 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](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

7. 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.
8. Proactive with amendments

6<sup>th</sup> August 2018

## **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.