



# ADUR DISTRICT COUNCIL

25 October 2018

## Adur Planning Committee

**Date:** 5 November 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 2 November 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 8 October 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**

So as to provide the best opportunity for the Committee to provide the public with the fullest answer, questions from the public should be submitted by midday on Thursday 1 November 2018.

Where relevant notice of a question has not been given, the person presiding may either choose to give a response at the meeting or respond by undertaking to provide a written response within three working days.

Questions should be submitted to Democratic Services - [democratic.services@adur-worthing.gov.uk](mailto:democratic.services@adur-worthing.gov.uk)

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

**7. Supplementary Planning Document for Consultation - Demonstrating Genuine Redundancy of Employment Sites**

To consider a report by the Director for the Economy, attached as Item 7.

**Part B - Not for publication - Exempt Information Reports**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	Sally Drury-Smith Lawyer 01903 221086 sally.drury.smith@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  
5 November 2018  
Agenda Item 5  
Ward: ALL**

**Key Decision: Yes / No**

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0954/18**

**Recommendation – Approve  
subject to S106 agreement**

**Site: Land at 7 to 27 Albion Street, Southwick**

**Proposal: Demolition of 11-27 Albion Street and redevelopment to provide a total of 50 flats comprising 15 affordable flats and 35 market flats within two blocks of 4-6 storeys in height (plus undercroft car parking to the rear and landscaping) and the refurbishment of 7-9 Albion Street (to provide 6 flats within the existing building), including dormers to east and west roof slopes.**

**2**

**Application Number: AWDM/1191/18**

**Recommendation – Approve**

**Site: Shop, 30 Brunswick Road, Shoreham-by-Sea**

**Proposal: Change of use from Shop (A1) to Dentist (D1) including new door opening in white UPVC to north elevation and door replaced with white UPVC window to east elevation.**

**3**

**Application Number: AWDM/1321/18**

**Recommendation – Approve**

**Site: Foreshore North Of Adur Outdoor Activities Centre And East And West Of River Adur, Brighton Road, Shoreham-By-Sea**

**Proposal: Variation of condition 24 of AWDM/1614/15 relating to amended drawings for the design and construction of the Environment Agency's Shoreham Adur Tidal Walls Scheme at Riverbank Reach (Reach W7).**

**4**

**Application Number: AWDM/1315/18**

**Recommendation – Approve**

**Site: 10 The Drive, Lancing**

**Proposal: Hip to gable roof extension to North elevation; rear dormer with light oak cladding and 2no. Juliet balconies; and first floor side window in new gable.**

**5**

**Application Number: AWDM/1351/18**

**Recommendation – Approve**

**Site: 22 Southview Close, Shoreham-By-Sea**

**Proposal: Rooms in roof with hip to gable roof extension, front dormer to west elevation and rear dormer with Juliet balcony to east elevation.**



Application Number: AWDM/0954/18

Recommendation – APPROVE

Site: Land At 7 To 27 Albion Street, Southwick

Proposal: Demolition of 11-27 Albion Street and redevelopment to provide a total of 50 flats comprising 15 affordable flats and 35 market flats within two blocks of 4-6 storeys in height (plus undercroft car parking to the rear and landscaping) and the refurbishment of 7-9 Albion Street (to provide 6 flats within the existing building), including dormers to east and west roof slopes.

Applicant: Adur and Worthing Councils  
and Albion Street  
Developments  
Case Officer: Peter Barnett

Ward: Southwick Green



## Not to Scale

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

### Proposal, Site and Surroundings

The application relates to a terrace of 6 houses (17-27), a detached house (11) and a semi-detached pair of dwellings (7-9) on the north side of Albion Street close to its junction with Kingston Lane. The site is in two parcels divided by a strip of land the ownership of which is unknown. Nos 11-27 are Council owned.

The site fronts Brighton Road, the A259, which is a busy main arterial route into Shoreham from the east. Within the vicinity of the application site Brighton Road has a mixed character. There is a three storey block of flats to the west (Jevington Court), on the opposite side of Kingston Lane, with two storey dwellings beyond. To the immediate west is 3 and 5 Albion Street, a semi-detached pair of two storey dwellings with rooms in the roof. To the east characterised by industrial sheds, areas of open storage, large retail units to the east is Montgomery Motors, a car repair premises within single storey industrial buildings with an open forecourt. The lorry park and Grange Industrial Estate are further east.

The site fronts Shoreham Harbour with a Jetski/watersports hire business on the south side of the road. Dudmans Yard sits opposite 17-27 Albion Street. The site is bounded to the north by the railway embankment with Sussex Croquet Club on the other side of the railway line, within the Conservation Area.

The application proposes to demolish the terraced houses and the detached house within the eastern parcel and to construct 44 flats within two buildings of contemporary design of between 4-6 storeys in height. The smaller of the two buildings is to accommodate 15 affordable flats. A further 6 flats are to be provided within the retained semi-detached buildings (7-9) which are to be extended and refurbished. 50 flats are to be provided in total (30% affordable) in the following mix:

- 27 one bed flats
- 22 two bed flats
- 1 three bed flat.

The affordable flats are to be provided in the following mix:

- 9 one bed flats
- 6 two bed flats.

The buildings will front Brighton Road but are set back between 2.3m and 3.5m to enable the provision of a 'greening strip' of new landscape planting. Each block has separate pedestrian access and there is a shared central vehicular access to the 50 space car park at the rear of the site. The access runs underneath an overhang at first



floor and much of the parking is itself positioned at ground level below the overhanging building.

## **Background**

This site was subject of a Joint Strategic Committee report in November 2016 where Members agreed to support, in principle, a land deal whereby a developer would commit to build out a scheme which would incorporate 15 affordable homes on the basis that this would be the quickest and most cost effective delivery method to replace the current poor quality housing stock with new affordable homes to help meet current housing needs in the District. The intention is that all 15 affordable apartments would be provided as rented units.

The site is owned by the Council with the exception of two unregistered strips of land. The Council is proposing to enter into a land deal with the developer whereby they would secure the land necessary to build the market units in exchange for funding to enable the Council to build the 15 affordable apartments. The Council would retain the freehold of the land for the affordable housing including the associated car parking

The existing Council buildings previously provided emergency hostel accommodation but have since been vacated and boarded up. The proposed development will contribute towards the Council's identified housing supply as well as securing 30% affordable housing for affordable rent.

## **Consultations**

**West Sussex County Council:** No objection from a **transport/highways** aspect.

*Comment that the proposals are supported by way of a Transport Statement (TS). The proposed development is for 50 residential apartments to be constructed in two apartment blocks with 7 and 9 Albion Street being maintained but redeveloped as apartments. In total there will be 27 one bedroom, 22 two bedroom and 1 three bedroom flats. Access will be directly on to Albion Street via crossovers. The proposals will be accessed from Albion Street which is classified as part of the A259 and subject to a 30 mph speed limit in this location. Comments on Access, Sustainability and Capacity have been considered in our response to the LHA on the 17th August 2018.*

### Request for Further Information

*There is a policy and design standard for the cycle facility along the A259. West Sussex County Council (WSSCC) has been part of the Shoreham Harbour Regeneration Partnership which has prepared the Shoreham Harbour Joint Area Action Plan (JAAP) which was submitted to the Secretary of State for public examination on 31 May.*

*In the LHA's response from the 17th August 2018 it was difficult to ascertain the annotations and dimensions of the proposed site layout. It was requested that the*

*applicant must clearly demonstrate that their proposed scheme does not preclude the A259 cycle way proposals from being delivered. After some dialogue with case officers a formal meeting between parties was ascertained as the best way forward.*

#### *Summary of Meeting*

*The meeting between the LHA, AWC and their consultants was held on Wednesday 10th October 2018. At the meeting options for a way forward were discussed and it was agreed that a 'highways land hatch' with a 1.2 metre and 1.0 metre set back could be accepted by the LHA.*

*A strip of land, in front of the part of the site to be the private residential block development, with a depth off 1.2m from back of pavement shall be set aside, and a strip of land, in front of the affordable housing block of 1.0m shall be set aside. This land strip will be treated as shown on the existing planning drawings, with planting, however WSCC and/or ADC will have the right in the future to use that land without further consultation with a third party owner as part of their road widening proposals. Drawing number 1538\_PA\_010 has been provided to clearly set out the demise of the land set aside for the highway improvement scheme. This arrangement has no effect on the location, size or arrangement of the buildings. The LHA would advise this can be secured via a Section 106 Agreement with AWC.*

#### *Conclusion*

*Having considered the above the LHA would not raise an objection to the application. The proposals would not be considered to have a 'Severe' residual impact in line with Paragraph 109 of the National Planning Policy Framework (NPPF). Any approval of planning permission would be subject to the following conditions:*

#### *Car parking space (details approved)*

*No part of the development shall be first occupied until the car parking has 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*

#### *Travel Plan (to be approved)*

*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.*

*Section 106 Obligation required to secure £7,959 towards the reconfiguration of the library space to increase family use at Southwick Library, £76,465 to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031) and £650 towards the supply and installation of additional fire*

*safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Southwick.*

The **Local Lead Flood Authority** (WSCC) comments that no FRA/Drainage Strategy has been included with this application. The application form suggests that Sustainable Drainage System/Soakaway/Main sewer will be used to drain the surface water from this site. Plans show permeable paving being used for part of the car park.

Further information is required to clarify the drainage arrangements and ensure the requirements of the NPPF, PPG and associated guidance documents are met.

As indicated by the Adur & Worthing Councils Drainage Engineer, infiltration testing should be carried out to assess the best way for infiltration to be incorporated into the surface water drainage designs.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

**Adur & Worthing Councils:** The **Environmental Health** officer (**Air Quality**) comments as follows:

*I must first raise some concern about the close proximity of the proposed development to the A259. Good design for minimal air quality impacts suggests maximising the distance between the carriageway (the source of pollutants) and proposed receptors.*

*The air quality assessment screens out an operational impact assessment as the number of associated traffic movements is stated to be below the IAQM threshold. The transport assessment states that the proposed development would be adding 9 additional trips in the AM peak and 11 additional trips in the PM peak. This is relatively low. The site incorporates 50 parking spaces.*

*Interestingly the report notes that a centralised energy facility is to be provided, but details are yet to be finalised. The report recommends that an air quality impact assessment will be required which I concur with. I note a commitment to low NOx boilers and CHP.*

*An emissions mitigation assessment has also been completed. This concludes that the damage cost associated with the development will be £15,889.20. However, no further mention of this figure is made, nor any related mitigation proposed. The development should incorporate mitigation to this value.*

*A number of mitigation measures for the construction phase are proposed in Chapter 9 . Whist a number of these are good practice, some are rather vague and need more detail.*

*As a result I recommend conditions are attached to any permission granted as follows.*

*1. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate, but not necessarily be restricted to the following matters:-*

- the anticipated number, frequency and types of vehicles used during construction,*
- the method of access and routing of vehicles during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.*
- the parking of vehicles by site operatives and visitors,*
- the loading and unloading of plant, materials and waste,*
- the storage of plant and materials used in construction of the development,*
- the control of dust emissions from the site (to include roads and stockpiles),*
- a commitment to no burning on site,*
- the erection and maintenance of security hoarding,*
- demolition procedures,*
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),*
- details of public engagement both prior to and during construction works.*

*Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers during construction.*

*2. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £15,889.20 as identified in the emissions mitigation assessment contained*

*within Chapter 8 of the Air Quality Assessment dated August 2018 and provided as part of the application.*

*3. The use hereby permitted shall not be carried on unless and until an air quality impact assessment of the proposed centralised energy facility has been submitted to and approved in writing by the Local Planning Authority. All boilers and/or CHP plant installed on site shall have a NOx emission rate of less than 40 mg/kWh of dry NOx (at 0% O2).*

**The Environmental Health Officer (Public Health)** has made the following comments:

*Noise - the site is located between the railway, a busy main road and a garage, all of which have potential to negatively affect the residential amenity of the occupiers. I would recommend the following condition;*

*Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise and vibration from the road, railway and garage has been submitted to and approved by the local planning authority. The scheme should also include a strategy to prevent overheating. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, tests shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.*

*I also have concerns about noise transmission between some of the kitchen/lounges and bedrooms. A number of kitchen/lounges are positioned directly above, below and adjacent to bedrooms. These dissimilar rooms positioned in this way are likely to lead to loss of amenity and noise complaints.*

*I would advise the reconfiguration of the rooms so similar room types are positioned adjacent to each other in accordance with ProPG guidance. If this is not possible then sound insulation testing should be carried out between all dissimilar rooms to confirm compliance with Approved Document E specifications before occupation.*

*As this site is in close proximity to existing residential dwellings I have concerns about the resulting noise and dust associated with the demolition and construction works. I would recommend the following conditions.*

*All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of this consent shall be limited to the following times.*

*Monday Friday  
08:00 18:00 Hours*

*Saturday 09:00 13:00 Hours  
Sundays and Bank Holidays no work permitted.*

*No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-*

- the anticipated number, frequency and types of vehicles used during construction,*
- the method of access and routing of vehicles during construction,*
- the parking of vehicles by site operatives and visitors,*
- the loading and unloading of plant, materials and waste,*
- the storage of plant and materials used in construction of the development,*
- the erection and maintenance of security hoarding,*
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)*
- details of public engagement both prior to and during construction works*
- Methods to control dust from the site*

*The developer may also wish to liaise with the aggregate company on the south side of the road, opposite the site in order to prevent the new occupiers being affected by dust from the site. Complaints have been received about this site in the past so it may be beneficial to work with the site owners with a view to raising the hoardings around the site and particularly around aggregate storage areas.*

The **Environmental Health Officer (Contaminated Land)** advises that the full contaminated land condition is required.

The **Environmental Health Officer (Private Sector Housing)** has no overall objection, but notes that many of the flats have a layout whereby bedrooms effectively open onto an open-plan corridor/living room/kitchen effectively making them inner rooms. This can be easily resolved by installing a door between the corridor and the living room/kitchen.

The **Waste Services** Officer comments that the issue seems to be one of access to the bin area. Although there is an access road it is not clear whether the height of the overhanging building will provide enough height room to allow one of our trucks to reverse into the access road. With an estimated 14 x 11000 bins its will mean our truck blocking the main road for long periods which will cause traffic issues also pulling large wheelie bins that length will be an issue.

The **Engineer** advises that the site lies in flood zone 1 and is unaffected by predicted surface water flooding.

The application form states that surface water will be disposed of using sustainable drainage but does not explain what this entails and soakaways, and that parking areas will be tarmacked. However the Design and Access statement refers to Terram Truckpaving porous Pavers.

There are no details of the proposed drainage provided but looking at the Proposed First Floor Site Plan DRG 1538 PA 011, there is ample space to site either soakaways or blanket drainage under the car park.

I note that no 17 is currently unoccupied, as there is inadequate and contradictory information provided can I ask that the applicants undertake an infiltration test in the garden of 17 as soon as possible and that the results from that be used to improve the information provided for me to consider.

The **Tree and Landscape** Officer advises that even if 3 car parking spaces were lost to preserve the trees, they would be very close to the building. I consider that instead the selected trees be removed and consideration be given to planting of at least 2 or 3 Extra Heavy Standards to infill the tree group to the northwest of the car park, possibly losing one parking space - between the retained T13 and the removed T10.

The **Shoreham Harbour Regeneration** Team has made the following comments:

*The site is located within the Shoreham Harbour regeneration area. It is contained within the Harbour Mouth Character Area. The site fronts a priority corridor and is within an area identified for re-use.*

#### Visual Amenity

*The drawing "Proposed South Facing Elevation" showed a fourth floor balcony which would overlook the residential dwellings to be refurbished. The drawings have since been amended; windows have been shown to be removed from the side of the refurbished dwellings which would prevent overlooking from the balcony. This demonstrates that there would be no amenity issues in line with the last bullet point of SH9 clause 5.*

#### Sustainability

*An Energy Statement has now been produced and complies with Policy SH1 clause 2. The statement confirms that the development would incorporate water conservation measures to limit water use to 110 litres per person per day through low water consumption fittings. This complies with SH1 clause 9.*

*The statement provides information for the following renewable energy measures:*

*Centralised communal heating and hot water systems:*

*The statement acknowledges that the proposed energy centre would be located 300m from Albion Street and could serve the Albion Street apartments, and due to this each block is designed for future connection. This complies with SH1 clause 6.*

*10% of energy requirements through PV panels:*

*Photo-voltaic panels will be mounted on the roof of each block and orientated to the south, which is demonstrated on Schematic roof layouts, and SAP calculations determine the quantity of photo-voltaic panels required to offset the predicted energy consumption by 10%. This complies with SH1 Clause 4.*

#### *Flood risk and Drainage*

*The subject site is identified in the Adur Strategic Flood Risk Assessment as being susceptible to surface water flooding.*

*A Sustainable Drainage Statement has now been submitted. This states that the surface water run-off from the development would be managed using cellular storage wrapped in an impermeable geomembrane, and pervious pavements were applicable. This complies with SH6 clause 13.*

*The statement confirms that the site is outside of flood zones 2 and 3. As such, there is no conflict with Policy SH6 clause 4.*

#### *Ecology and Air Quality*

*A green corridor would be located to the south elevation of the development fronting the A259, incorporating trees and landscape planting. After discussions with West Sussex County Council, a one meter strip of land would be reserved for the potential cycle scheme. While this would affect the greening of the frontage, this would represent an improvement when compared to the small front gardens of the existing site. This would comply with SH7 clauses 2, 3, 6, and 8.*

*An Air Quality Assessment has now been submitted which has concluded that the air quality effects from the development would not be significant. This is in line with SH7 clauses 13 and 15, though may need to be further controlled with suitable conditions regarding mitigation measures.*

#### *Recommendation*

*Owing to the above considerations, the application is considered acceptable and the Shoreham Harbour Regeneration Team recommends approval, subject to the following conditions:*

#### *Conditions*

*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 is to comply with policies SH6 clause 14, and SH7 clauses 5 and 6.*

*While the proposed extensive sedum green roofs are welcomed, it is advised that any green roof should meet minimum standards published by the Green Roof Organisation (GRO, 2014)<sup>2</sup>. The reason for this condition is to comply with policies SH7 clauses 3 and 8.*



**Southern Water:** *Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.*

*Request conditions: “Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.”*

*“Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority in consultation with Southern Water.”*

*Alternatively, the developer can discharge foul and surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul and surface water systems. The applicant will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul and surface water flows will be no greater than the existing contributing flows.*

*Also request following condition: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”*

The **Head of Housing** supports the application and indicates that the proposed development would be a cost effective way of delivering new affordable rented accommodation to help meet Adur’s significant housing need.

## **Representations**

1 letter received from the occupier of 5 Albion Street:

- Concerned that there may be inadequate parking provision
- Would like boundary wall constructed/reinstated to protect No.5 from noise
- Flat roofs at rear of 7-9 Albion Street should not be accessible/used as terrace
- Is 7-9 Albion Street structurally capable of accommodating additional load/accommodation?

- Preferable to redevelop numbers 3 and 5 Albion Street too

2 letters of objection received from the occupier of 8 Spinnals Grove and from an unspecified address:

- Spinnals Grove backs onto the croquet club which abuts this development
- Concerned about height of the building which will be well above the trees and will have a significant impact on outlook
- Loss of privacy from balconies
- High buildings in the Conservation Area are not appropriate
- Will detract from scale and character of existing area
- Out of proportion with rest of sea front

### **Relevant Planning Policies and Guidance**

Adur Local Plan 2017 policies 2, 3, 8, 11, 15, 18, 20, 21, 22, 28, 29, 30, 31, 34, 35, 36  
 'Supplementary Planning Guidance' comprising: Development Management Standard No.1 'Space Around New Dwellings and Flats';

Planning Contributions for Infrastructure Provision (ADC 2013)

Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)

Proposed Submission Shoreham Harbour Joint Area Action Plan 2018 Policies CA6, SH1, SH4, SH5, SH6, SH7, SH8, SH9

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

West Sussex 'Guidance for Parking in New Residential Developments' and 'Residential Parking Demand Calculator' (WSCC 2010)

National Planning Policy Framework (July 2018)

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

### **Relevant Legislation**

The Committee should consider the planning application in accordance with:

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 site is not allocated within the Adur Local Plan but it has come forward for redevelopment as a windfall site, being located within the built up area boundary

where Policy 2 of the Local Plan states that development will be permitted subject to compliance with other policies in the development plan.

The Local Plan sets out a target of 3718 new homes for Adur until 2032 as a minimum requirement. It is against this minimum housing requirement that the District's five year housing land supply position is assessed annually. The most recent land supply position was published in the December 2017 Adur District Annual Monitoring Report which demonstrates a 6.3 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

The site is within the Shoreham Harbour Regeneration Area (Policy 8 of the Adur Local Plan) and Character Area 6 Harbour Mouth of the JAAP.

The principle of residential redevelopment of the site is acceptable and is in keeping with the development principles set out in the Adur Local Plan and the emerging JAAP. By redeveloping the site at a higher density this accords with the advice contained in the revised NPPF. The development will also result in the provision of 15 affordable flats (30%). As the Council owns the land, the affordable housing will be 100% rented units (normal policy requirement would be 75% rented and 25% shared ownership). Ideally the Council (Adur Homes) would like to deliver social rented rather than affordable rent but this would be dependent on the overall finances of the project and would be resolved at a later date.

There is no objection in principle therefore to the proposal subject to consideration of the following:

- Design, Form and Appearance
- Parking, Access and Sustainable Transport
- Flood Risk & Drainage
- Air Quality
- Impact on Amenity

### ***Design, Form, Appearance and Density***

Adur Local Plan Policy 15, "Quality of the Built Environment and Public Realm", sets out that the Council expects development to be of high architectural quality and respect and enhance the site and prevailing character of the area. It then goes on to set out more details in terms of expectations for achieving a high standard of design. Of note is the requirement to:

"Enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping and layout of the development. Include a layout and design which take account of the potential users of the site."

In relation to height, the site lies outside of the Western Harbour Arm Character Area but paragraph 4.7.69 of the JAAP (which relates to the Western Harbour Arm) is

considered to be of relevance in that it notes that buildings of up to 5 storeys are appropriate fronting onto Brighton Road and the River Adur, with the potential to step up away from the frontages. In this case the building would be 5 storeys in height with a 6<sup>th</sup> storey set back from the road frontage.

### Materials and Appearance

The NPPF advises that:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”* (para 130)

It goes on to state that:

*“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”* (para 131).

The proposal utilises a bold design which is very different from the scale, form and layout of existing development in the area. The buildings are in two blocks, the westernmost being the affordable housing and the eastern block containing the private units. The design and palette of materials is consistent across both buildings however in order to create an integrated design across the site and to avoid a lowering of standards between the private and affordable units.

The buildings are generally five storeys high with a six storey element set back from the frontage before stepping down to five storeys at either end. The fifth storey is also set back from the edge of the building at the western end and more so at the eastern end.

The design of the building includes framing elements projecting from the building which surround windows, balconies and terraces and are a sculptural feature, framing views of the sea from within the building as well as giving it a strong character.

The proposed materials comprise grey brick with a contrasting lighter brick, particularly on sections of the side elevations to break up the mass of the building. The balconies are to have a copper patina and weathered copper finish. PV panels and a sedum roof are proposed for the flat roofed areas. The front elevation will contain large areas of glazing with the side elevations broken up with window openings. These openings are to be angled to prevent overlooking and will have coloured side screens to add further interest.

The materials are not especially characteristic of the immediate area, although Jevington Court is constructed of a light brown brick such as is proposed on parts of the building, while the grey brick reflects the tone of the commercial garage to the east. However, the architect is deliberately aiming for a contemporary landmark building which does not recreate the form and materials seen elsewhere and it is considered that such an approach can be supported here in view of the mixed character and generally poor design quality of surrounding residential development.

### Bulk, Mass and Scale

As already mentioned, the buildings are generally five storeys high with a six storey element set back from the frontage before stepping down to five storeys at either end. The fifth storey is also set back from the edge of the building at the western end and more so at the eastern end. In height terms, the building will range from 11m (up to third floor level), 14m (fourth floor) to an overall height of 16.8m (fifth floor). This compares with 8.3m for 7-9 Albion Street (equivalent of second floor height) and 11.2m for Jevington Court.

It is recognised that the proposal is for buildings of a significantly greater height, mass and scale than is currently evident in the immediate vicinity. However, permission was granted earlier this year for development at Free Wharf which proposes buildings of 4-9 storeys in height. Applications are likely to be received next year for the redevelopment of the Howard Kent site and Kingston Wharf to the west of this site which are also likely to involve building heights greater than that proposed here. The redevelopment of 79-81 Brighton Road (former Parcelforce site) is well under construction at a height of 5-7 storeys.

While the bulk and mass of the buildings will be substantial the architecture introduces a number of elements to the design to break up the massing, such as a stepped appearance to the buildings as they rise towards the centre of the site, use of contrasting materials, the presence of balconies and glazing across the frontage and the use of the sculptural frames.

It is considered that while the bulk and massing of the building are significant, the design's detailing will lead to a successful and striking development that can be supported.

### Landscaping

Policy 15: Quality of the Built Environment and Public Realm sets out the Local Plan's expectations for landscape and public realm. It states:

*“Opportunities will be taken to improve the public realm through new development, transport schemes or regeneration schemes. These will aim to improve the quality, accessibility and legibility of public streets and spaces.”*

Policy SH8: Recreation and Leisure and Policy SH9: Place making and design quality of the JAAP, provides more detailed guidance for development. Policy SH8 states: *“Development proposals will be required to provide high quality multifunctional public open space / green infrastructure on site. The type and quantity of open space will be determined by the scale and type of development, the identified needs of the area local standards and the Shoreham Harbour Green Infrastructure Strategy.”*

The proposal aims to provide planting along the frontage in order to develop the green corridor concept for the A259 and to soften the appearance of the buildings from street level. This would represent a significant enhancement of the streetscape from the current situation.

There are a large number of mature trees at the rear of the site and some of these will need to be felled in order to accommodate the buildings and car park. However, new planting is proposed along the northern boundary and significant tree cover will remain towards the eastern part of the site to help provide a ‘green’ backdrop to the development.

The parking area is shown as being block paving for the parking spaces and resin bonded gravel for the circulation areas. No landscaping is shown to break up the parking area but much of it will be ‘hidden’ beneath the building itself and such planting is not necessary.

#### Setting of Conservation Area

The Kingston Buci Conservation Area lies immediately to the north of the site, beyond the railway line but also includes a small area of land south of the railway bridge at the southern end of Kingston Lane, to the west of the site. The development is entirely outside of the Conservation Area but, because of its height, it will be visible from within the Conservation Area. The NPPF requires proposals affecting heritage assets and their setting to take account of:

*“a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

Paragraph 196 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 public views the upper four floors will be visible from Kingston Lane, albeit partly obscured by the railway embankment and existing trees within the site and along the Lane itself. More limited views will also be possible from Victoria Road to the north east, although that road is outside of the Conservation Area. The clearest views will be from the Sussex County Croquet and Tennis Club directly to the north. This is not a public open space and views will again be partly softened by existing vegetation.

The development will introduce a substantially taller building into the area than currently exists but the rear of the building has as much architectural interest as the front and views of it from within the Conservation Area will largely be distant and oblique. The development will not affect views into the Conservation Area. On balance, taking into account the public benefits of the proposal, including the provision of 50 dwellings of which 15 are affordable units, it is considered that any harm to the Conservation Area will not be so significant as to warrant refusal.

#### Parking, Access and Sustainable Transport

Paragraph 108 of the NPPF states that planning decisions should ensure that

*“a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users; and*

*c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”*

Paragraph 109 advises that

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Paragraph 110 then goes on to advise that:

*“Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use”*

Adur Local Plan Policy 8 on Shoreham Harbour identifies that “A Transport Strategy for Shoreham Harbour has been produced to mitigate impacts on the highway network and to promote sustainable travel behaviours. Development in this location should contribute to the delivery of measures identified in the Transport Strategy.” All

developments in this area are therefore required to contribute to the improvements identified in this strategy to mitigate development along Brighton Road as a whole.

This approach is also set out within the JAAP. Policy SH5 clause 1 states that new development in the regeneration area must demonstrate how it intends to reduce the need to travel by car and should help to deliver sustainable transport improvements as identified in the Shoreham Harbour Transport Strategy.

Policy SH5 clause 4 states that developments will be required to contribute towards the delivery of transport infrastructure which reduces congestion and increases the use of sustainable transport modes. Specific measures are identified in the Shoreham Harbour Transport Strategy including junction capacity improvements, improvements to bus and rail infrastructure and better cycling and pedestrian routes and facilities.

Within the proposed modifications for the JAAP, a main modification is included as MM14, concerning the provision of a cycle facility. It states that: *'Developments should be set back sufficiently from the A259 corridor to provide space for a high-quality segregated cycle route which provides stepped separation from road vehicles and pedestrian facilities, to deliver green infrastructure improvements, and to prevent a canyoning effect and to ensure that residents are protected from noise and air quality impacts in agreement with the highways and planning authorities.'*

WSSC has commissioned a consultant to undertake the Shoreham Area Sustainable Transport Package Study, which is currently producing feasibility level designs for a high quality cycle facility which it is envisaged will eventually link Shoreham Adur Ferry Bridge with Hove Lagoon along the A259. It is envisaged that once complete, this will be designated part of National Cycle Network route 2 that is a long distance cycle route linking Dover to St Austell.

WSSC consider that there is the potential to provide land within this development and the applicants have subsequently agreed to reserve a strip of land across the site frontage to enable road widening and the provision of a cycle route on the south side of the A259 at some future date. This strip will be 1m wide measured from the back edge of the pavement in front of the affordable block and 1.2m wide in front of the private block. It will be planted to provide a green strip, but WSSC and/or ADC will have the right in the future to use that land without further consultation with a third party owner as part of their road widening proposals.

This arrangement has no effect on the location, size or arrangement of the buildings but does impact on the setting of the building and the amenities of future occupiers. The strip will leave a gap of just 1.4m to the ground floor living room window of the closest flat in the affordable block and 1.68m to the ground floor terrace and 3.5m to the living room window in the closest ground floor private flat, which is undesirable from an acoustic protection, privacy and air quality point of view and is likely to lead to inadequate living conditions. The provision of land for road widening will also remove land available for new tree planting. This would therefore conflict with the JAAP modification outlined above. On the plus side, the land would be available for



acquisition to enable the provision of the segregated cycle route. This accords with the greater emphasis given to cycling and walking in the revised NPPF. In time, it may be that an alternative to the provision of this strip of land across the site will be found, such as acquiring additional land on the south side of the A259.

The applicants have submitted a Transport Statement which advises that 50 parking spaces are to be provided on a 1-for-1 basis.

The site is well connected in terms of public transport with frequent bus and train services available with bus stops being located within metres of the development (directly in front of the site) and the nearest train station being located 10 minutes' walk away. Well-maintained footways are available on both sides of Albion Street. Within the TS swept path analysis has been used to demonstrate that the car park accesses are easily accessible by cars.

Parking provision is in line with West Sussex County Council (WSCC) standards and sufficient levels of cycle parking have also been provided in line with WSCC standards. A sustainable transport contribution of £76,465 is required as a result of this development, to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031). While the land may not be able to be provided, at least the development will contribute financially towards the future provision of the cycleway, in accordance with Development Plan policies.

### Flood Risk and Drainage

The subject site is identified in the Adur Strategic Flood Risk Assessment as being susceptible to surface water flooding. The application is supported by a Sustainable Drainage Statement which states that the surface water run-off from the development would be managed using cellular storage wrapped in an impermeable geomembrane, and pervious pavements were applicable. This complies with SH6 clause 13. The Statement also confirms that the site is outside of flood zones 2 and 3. As such, there is no conflict with Policy SH6 clause 4 or Local Plan policy 36.

### Air Quality

Policy 35: Pollution and Contamination of the Adur Local sets out the need for air quality assessments to support development proposals where necessary. In addition, paragraphs 2.4.11 to 2.4.12 and 3.7.21 to 3.7.24 of the JAAP confirm that there is an Air Quality Management Area (AQMA) in Southwick on the A270 between Kingston Lane and Southview Close and Shoreham High Street.

The Air Quality Assessment submitted with the application concludes that the air quality effects from the development would not be significant.

The Council's Environmental Health Officer has expressed concern at the proximity of the development to the highway. This distance would be further reduced should the

road widening come forward, as discussed earlier in this report. However, it is not considered to be viable or feasible to push the buildings further into the site as it would impact more greatly on trees and neighbouring amenity and is likely to result in the loss of several units which would make the scheme unviable.

An emissions mitigation assessment has also been completed which concludes that the damage cost associated with the development will be £15,889.20. As part of any mitigation, the EHO is seeking at least 10% of the parking spaces to contain electric vehicle chargers, as per the forthcoming WSCC parking standard, although he would like to see 20% ideally (this could be in the form of 10% provision+ 10% electric vehicle ready, i.e. spaces are provided with an electricity connection rated at least 32A and capable of taking 7kW charge points). This can be dealt with by condition.

## **Impact on Residential Amenity**

### Residential Amenity for Neighbouring Homes

The site has residential properties to the west only. Numbers 3-5 Albion Street are not considered to be adversely affected by the proposals. The new buildings will be separated from the refurbished houses at 7-9 Albion Street by approximately 11m, a gap being left due to a strip of land between the buildings, the ownership of which is unknown. A large number of windows are shown on the west elevation of the new affordable block, many of which will serve bedrooms and living areas and which have the potential to overlook the refurbished flats and their amenity space to the west. A large balcony is proposed to run around the South West corner of the building at fourth floor level which also has the potential to be unneighbourly. However, the scheme has been amended with the introduction of angled windows to reduce direct overlooking. The refurbished block to the west has also been amended to remove the proposed dormer windows so that there are only ground floor windows on the east side of the refurbished block. No direct window-to-window overlooking will occur other than a side living room window in the refurbished block facing the bedroom window of a ground floor flat in the affordable block. The flat in the refurbished block also has rear facing windows and the side window can therefore be required to be obscure glazed.

The affordable block will project deep into the site at the rear, some 34m from the road and approximately 15m beyond the rear of 7-9 Albion Street at a height of 11m, rising to just under 14m but stepped in from the edge of the building. The building has the potential to be rather overbearing and could adversely affect light to 7-9. It fails to meet the '45 degree rule' used for assessing the impact on light of development on neighbouring buildings.

The applicant has submitted a series of daylight/sunlight assessments showing the impact of the development during each of the four seasons. Being directly to the east of the affected dwellings the greatest impact is early morning, with significant light loss at 8am during most months other than summer equinox. However, as the sun moves round to the south and west during the day there is clearly no impact on sunlight to the

neighbouring properties. The main openings to the flats are at the front and rear, with no openings at first floor on the east side, although a side bedroom window at ground floor will be affected to some extent.

On balance, it is considered that, while there will be an impact on light to 7-9 Albion Street, the impact is mitigated by the separation distance between the buildings, the orientation of the new building to the east of 7-9 and the affected building being converted to flats within the ownership of the developer. 3-9 Albion Street also have the potential to be redeveloped in the future as part of a comprehensive scheme.

### Residential Amenity for Proposed Occupiers

The proposed flats generally have floor areas as follows:

- 1 bed flats 51m<sup>2</sup> – 54m<sup>2</sup>
- 2 bed flats 68m<sup>2</sup> (with a few at 87m<sup>2</sup>)
- 3 bed flat 100m<sup>2</sup>

The National Housing Standards recommend 50m<sup>2</sup> for a 1 bed 2 person flat and 70m<sup>2</sup> for a 2 bed 4 person flat. The 2 bed flats would therefore fall just short of this standard for 2 bed flats but would exceed the requirements for a 2 bed 3 person flat (61m<sup>2</sup>). The 3 bed flat meets the required standard. On balance, the flats are considered to be of adequate size and will provide a good standard of living area.

There was initial concern at the potential for overlooking between the two new blocks as there will be a separation distance of just 2.75m and 5.5m at their narrowest points. This has been overcome by the introduction of angled windows which face north or south to reduce direct overlooking. The angle will also help to increase light into the affected rooms, which are bedrooms.

No external amenity space will be available for the flats with the rear of the building taken up with car parking while the front of the building comprises only a narrow strip of land which is to be used for landscaping and/or future road widening. However, the flats do enjoy small balcony areas to ensure some private amenity space for each occupier. The site is also located very close to Kingston Beach and is a short walk from Southwick Green. The refurbished flats at 7-9 Albion Street will enjoy a shared rear garden area. On balance, the amount of external amenity space is considered to be adequate.

### Noise

The site is situated between a busy road (A259) and the railway line. To the east is an operational car repair garage. The applicants have submitted a preliminary acoustic statement which confirms that their acoustic strategy will consider noise impact from those sources as well as from any noise generating equipment associated with the development itself. The report states:

*“Noise measurements conducted on a nearby development site situated on the A259 road indicated that road traffic noise levels are in the order of 71 dB LAeq,T during the daytime, falling to 66 dB LAeq,T during the night-time. Maximum event noise levels were measured to be between 84-88 dB LAm<sub>ax</sub>,F. Noise levels are expected to be of similar level on the proposed site.*

*In order to provide suitable internal noise conditions, as per BS 8233 and Local Authority requirements, against road traffic noise levels in this order it is expected that acoustic laminated glazing will be necessary. If ventilators are required, these are likely to need an acoustic performance rating for sound reduction.”*

With regard to the railway and garage the report indicates that measurements will be carried out at a later stage. It advises that *“In order to avoid vibration noise impact on the development it is advised that the massing of the buildings is set back at least 20 meters from the nearside railway track.”* The submitted plans show that the building will be at least 22m from the edge of the track.

With regard to the garage site, *“walls, fencing or building massing should be proposed in order to screen the noise impact from the Garage operation.”* The plans currently show a large number of window openings on the east elevation facing the garage site which could suffer from noise disturbance. These have been reduced in number and revised to be angled to orientate north or south, rather than towards the garage site. These amendments will also help to prevent any prejudicial impact on the adjoining site should it come forward for residential development in the future.

Mechanical ventilation is likely to be necessary in order not to rely solely on open windows for ventilation. Full details will be reserved by condition, as requested by the Environmental Health Officer.

### Affordable Housing

The development will provide for 15 affordable units which equates to 30% of the total, in accordance with policy 21 of the Adur Local Plan. All of the units will be affordable rented with the following mix:

9 one bed flats and 6 two bed flats.

The Council’s Housing Manager is happy with this mix.

### Contaminated land

The application is accompanied by an initial contaminated land investigation which identified low levels of contaminants and which recommends various measures for dealing with them. Final details, including the requirement for verification of works carried out, can be reserved by condition.

## Sustainability and Renewable Energy

An Energy Statement has been submitted which confirms that the development would incorporate water conservation measures to limit water use to 110 litres per person per day through low water consumption fittings, in accordance with Development Plan policies.

The statement confirms that the development will incorporate a centralised communal heating and hot water system and will be designed in order to connect to any future district heating system.

Photo-voltaic panels will be mounted on the roof of each block and orientated to the south to offset the predicted energy consumption by 10%.

A sedum roof is proposed on the flat roof sections of the buildings.

## Refurbishment of 7-9

This aspect of the development is relatively minor, involving the refurbishment and conversion of the pair of semi-detached dwellings to form 6 private flats. The original plans showed the provision of new dormer windows on the east and west roofslopes which was not considered to be visually successful. Amended plans have since been received which remove the dormers, with the additional accommodation now provided within the roof by extending across to infill the gap between the existing pitched roofs, which is considered to be more successful in visual terms.

Parking for the flats will be provided within the car park for the new buildings.

Floor areas for the refurbished building meet the national minimum standards.

## Drainage

The Council's Engineer had raised some concerns about the proposal for connecting surface water to the public sewer but has since accepted that the necessary infiltration tests can be undertaken as a requirement of a planning condition rather than delaying the determination of the planning application.

## Sustainable Development and the NPPF

The NPPF was adopted in 2012, and revised in July this year. At its heart is the presumption in favour of sustainable development for both plan-making and decision-taking. For decision taking this means approving development proposals that accord with the up-to-date development plan without delay, and where the development plan is absent, or relevant policies are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed,

or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

As is set out above, it is considered that the application scheme accords with the relevant policies of the up to date development plan when read as a whole. As such, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 11 of the Framework, planning permission should be granted without delay.

It is considered that the proposed development would generate significant economic, social and environmental benefits and that there are no adverse impacts that would significantly and demonstrably outweigh the benefit, in accordance with Paragraph 8 of the NPPF.

#### *Economic Benefits*

- The creation of construction jobs in Adur District for the duration of the development
- The creation of other jobs in supply chain and wider construction related activities;
- It will lead to additional household expenditure in the local area as a result of the increased living and working populations

#### *Social Benefits*

- The delivery of 50 new homes in a District with an identified need for over 5,600.
- The delivery of 15 affordable housing units in a District with a strong demand for such housing.

#### *Environmental Benefits*

- Protecting and enhancing the natural, built and historic environment by developing on a site with no specific environmental or heritage designations, and in a way that will cause no unacceptable harm to the wider landscape and significance of heritage assets or their setting.
- sustainability measures/green roof

#### Conclusion

In coming to a recommendation it is necessary to assess the application in light of the whole plan policy framework both locally and nationally, and come to a view as to whether the proposals contribute to the proper planning and sustainable development of the area.

The regeneration of Shoreham Harbour has been a long held ambition for Adur District Council. A concerted effort has been led through the Shoreham Harbour Regeneration Project to develop a planning framework for the area. The redevelopment of this site accords with the aims of the Joint Area Action Plan.

The studies and assessment carried out on the site confirm that there are no physical or environmental constraints that would prevent residential development or lead to an

unacceptable effect in economic, social or environmental terms (the three dimensions to sustainability set out in the National Planning Policy Framework).

The application site is in a sustainable location, located within suitable walking distance of the services and facilities located within Southwick. The site is well connected with a bus service immediately in front of the site, and Southwick Railway Station a short walk away. The need to address the current housing crisis has prompted the Government to support higher densities and taller buildings in highly sustainable locations such as this.

It is considered that the proposed scheme provides significant economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. There are no policies within the Framework which indicate that development should be restricted.

It is considered that the proposal accords with the relevant policies of the Development Plan when read as a whole. The proposed development would make a useful contribution to the Council's housing delivery and will secure 15 affordable flats to be constructed by the applicant and

Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework, it is recommended that planning permission should be granted.

### **Recommendation**

Subject to completion of a satisfactory section 106 Obligation undertaking to pay the contribution of £7,959 towards the reconfiguration of the library space at Southwick Library, £76,465 to be spent on cycle route improvements on the A259 in accordance with the Shoreham Harbour Transport Strategy (2016-2031) and £650 towards the supply and installation of additional fire safety equipment and a requirement to deliver the 15 affordable rented apartments (or via a separate legal agreement/land deal).

### **APPROVE:-**

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

1. Approved Plans
2. Standard 3 year time limit
3. Noise protection
4. Sound testing between floors
5. Working hours
6. Construction Method Statement
7. Contaminated land
8. Fencing and walls
9. Landscaping and tree protection

10. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development
11. Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority in consultation with Southern Water
12. Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.
13. Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.
14. 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.
15. The use hereby permitted shall not be carried on unless and until details of all operational phase air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall be equal to a value of £15,889.20 as identified in the emissions mitigation assessment contained within Chapter 8 of the Air Quality Assessment dated August 2018 and provided as part of the application.
16. The use hereby permitted shall not be carried on unless and until an air quality impact assessment of the proposed centralised energy facility has been submitted to and approved in writing by the Local Planning Authority. All boilers and/or CHP plant installed on site shall have a NO<sub>x</sub> emission rate of less than 40 mg/kWh of dry NO<sub>x</sub> (at 0% O<sub>2</sub>).
17. Samples and schedule of materials.
18. Strip of land to be reserved as highway for provision of future cycleway
19. Side living room window to House 9-02 to be obscure glazed and non-opening below 1.7m
20. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
21. 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.



Application Number: AWDM/1191/18

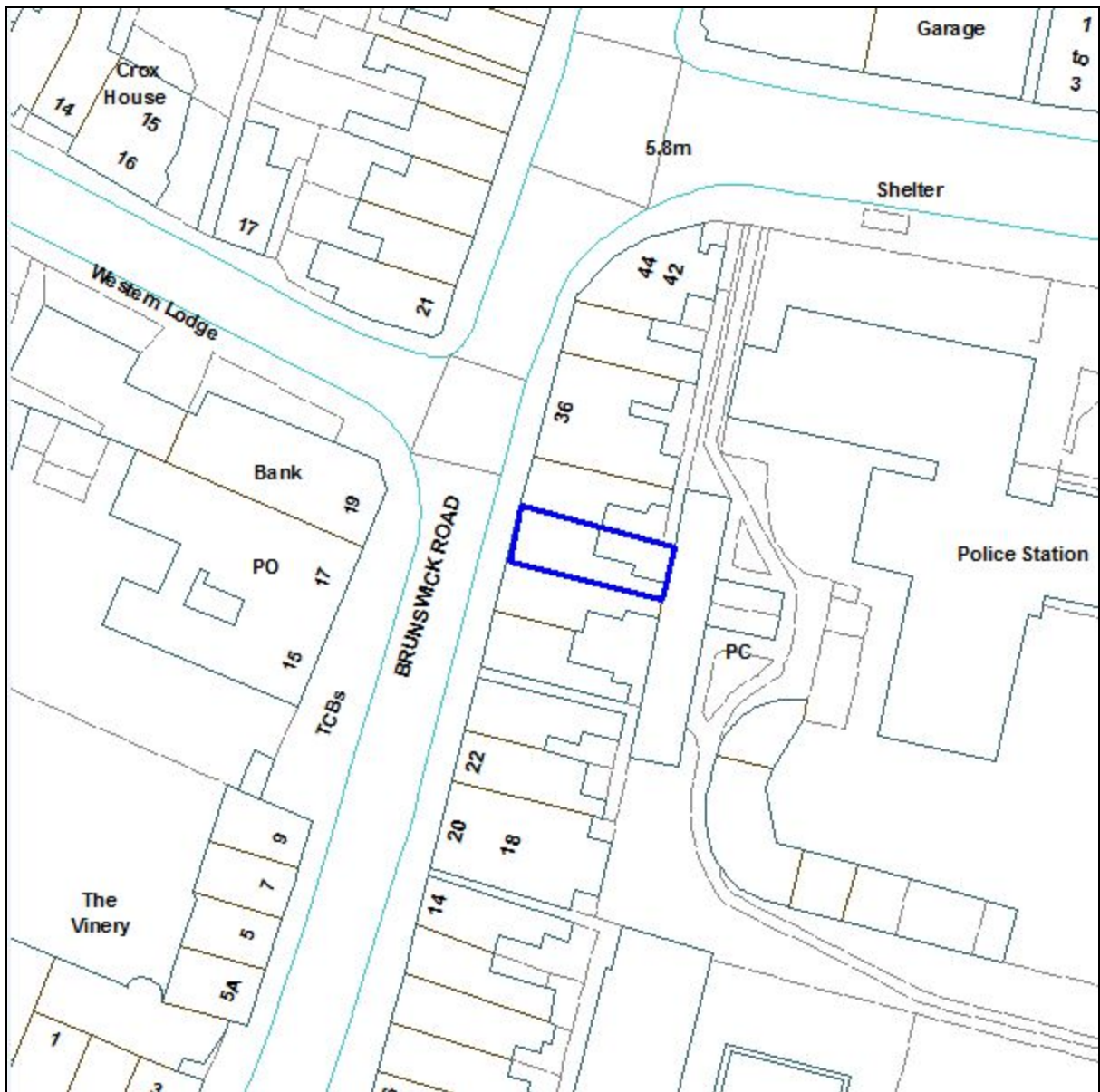
Recommendation – APPROVE

Site: 30 Brunswick Road, Shoreham

Proposal: Change of use from Shop (A1) to Dentist (D1) including new door opening in white UPVC to north elevation and door replaced with white UPVC window to east elevation.

Applicant: Adur District Council  
Case Officer: M. O’Keeffe

Ward: St Mary’s



Not to Scale

Councillor Arnold has called this application to Committee.

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

This application relates to a mid-terraced two storey building on the east side of Brunswick Road opposite the vacant Post Office building in Shoreham town centre. The ground floor is occupied for retail purposes and the upper floor is in separate office use. It sits between an estate agents and a shoe repair/locksmith/dry cleaners. The parade is fully occupied apart from a funeral directors on the corner to the north.

The site lies within Shoreham Town Centre in the Primary shopping area. It is also identified as a Primary retail frontage and within town centre block No. 2. It is within Shoreham conservation area.

Planning permission is sought to convert the ground floor retail shop into a dentist practice with one consulting room. At the rear a door is to be replaced with a window and a new door added elsewhere.

### **Relevant Planning History**

None relevant.

### **Extract from Supporting Statement**

#### *‘6. PLANNING ASSESSMENT SUMMARY*

*6.1 As set out above, the Local Plan acknowledges that D1 uses are appropriate in this area. Indeed a part D1 use has been approved in 2016 at nearby No.14. This permitted application included a 50% provision of retail floor space, and although this amount of floorspace cannot be provided at No.30 (due to the limited floor area, and the need to provide customer and staff facilities and a reception area), but the applicants will provide a retail element at the front of the premises, and a shopfront can be retained. Therefore, in visual terms the use of the unit will be in keeping with the primary retail frontage in which it lies.*

*6.2 This report demonstrates that extensive marketing has already been carried out. The existing retail use has been failing for some time, and such circumstances are now common in central Shoreham, and specifically along Brunswick Road. Policy 11 requires that a premises should be vacant for 12 months before either A3 or D1 uses will be considered. We contend that such an approach would not be in the communities or the wider shopping areas best interest. If Mydentist are not be able to proceed with securing the lease, this new NHS service would be lost to the locality causing local residents to have to travel outside the town. This would result in another vacant shopfront for such an extensive period would have a negative effect on the*

*shopping area – rather than positively contributing to the viability and vitality of the location.*

*6.3 In addition, we consider that there are significant wider public benefits arising from this proposed change of use, with the introduction of a much needed NHS dental practice, which will not only include a retail element at the front of the premises, but will also provide Shoreham residents with another practice, which provides competition to existing dental practices whilst also serving NHS customers.*

*6.4 Providing a new dental practice in this town centre location, will reduce the need for Shoreham residents to travel (the closest Mydentist facility is currently in Worthing). This is positive in sustainability terms, and as such accords with the emphasis of the NPPF.*

*6.5 The use will bring people in to the town centre, who we expect will then go on to visit other premises in the local area. As is noted above, the loss of the Post Office has had a dramatic impact on the variety of uses on Brunswick Road. This proposal will introduce an alternative use that will generate footfall to the benefit of other uses nearby. This evidently will improve the vitality and viability of the shopping area.*

*6.6 It is considered that the proposals accord with Policy 33 ‘Planning for Sustainable Communities’, which is also relevant to this application as it deals with health and well-being. The supporting text to this policy states that “Ensuring that appropriate and sufficient social and community infrastructure is provided is a vital part of delivering healthy, sustainable communities. A range of facilities may be required, or improvements made to existing facilities, to address issues arising from changes in population or deprivation. For the purposes of this policy, social and community facilities may be defined as... health facilities...” Further, Policy 11 goes onto confirm that “The Council will work with health care providers to deliver up-to-date healthcare facilities, and with the providers of other social and community infrastructure to deliver appropriate facilities in accessible locations, to meet local needs. The reduction of health inequalities and initiatives to facilitate healthier lifestyles will be supported, where these can be delivered through the planning system.” This is directly applicable to this application, and therefore should be awarded significant weight in the planning balance.*

*6.7 An analysis of the current Brunswick Road streetscene identifies that the two sides of the road (East side from Ham Road down to the church; west side – from the Buckingham Arms PH down to and including Fox & Sons) provide 30 individual units with active frontages onto the street. Currently 18 of these units are wholly in A1 retail use, which accounts for 60% of the uses on Brunswick Road (and two of these - Tribes and the Post Office – are vacant). Clearly this is a diverse area; there are currently 7 x A2 uses, 2 x D1 use (including the Acupuncture clinic, which is part A1), a part A1, part A3 Bakery, a betting office (Sui Generis) and a hot food takeaway (A5). If the application site were allowed to change its use to D1, this would still mean that 17 x A1/retail units would remain on Brunswick Road (56.6%). Given that the bakery and acupuncture clinic provide a retail function also, this figure would actually be*

63.3%. This is not a significant reduction from existing, and given that the shopfront and a retail element will remain at No.30, and that it will generate additional footfall to the local area, we consider that the Primary Retail Frontage will not be compromised by this proposal.

6.8 In conclusion, the premises has been subject to robust marketing but no other uses have come forward who wish to use the premises for retail purposes. Given the local context (i.e. difficulties of other shops since the closure of the Post Office) it would be sensible to resist the vacancy of this unit. The D1 use proposed would accord with the Council's strategy for this town centre location; and it would provide a sustainable use, which will bring with it significant community benefits (being a NHS funded facility) to the health and well-being of Adur residents, in addition to positively contributing to the vitality and viability of the Primary Shopping Area and a Primary Retail Frontage.

6.9 Therefore, any minor transgression with the requirements of Policy 11 can be overlooked in this case, as the circumstances confirm that there will be wider public benefits, which when taken in the planning balance, indicate that planning permission for the proposed change of use should be granted.'

## **Consultations**

### **Highways:**

*'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.*

*This proposal is for the change of use of A1 retail shop to Dentist D1 use. The site is located on Brunswick Road, a C-classified road subject to a speed limit of 30mph.*

*The application does not propose any parking provision or vehicular access to the site. However the LHA appreciate the sustainable location of the site, within walking distance of Shoreham-by-Sea train station and local bus stops, and as such consider that there are viable options for sustainable modes of transport to reduce the reliance upon the private car. Under the WSCC Car Parking Standards, 5 car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. Furthermore, existing visitors to the shop would be by foot and considering that no parking is possible for the retail use the LHA anticipate that the level of traffic generated would be of a similar nature.*

## Conclusion

*The Local Highway Authority (LHA) does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'*

**Environmental Health:** No objection.

## **Planning Policy:**

*'The proposal would be contrary to the adopted Local Plan in that the unit is currently in retail use and therefore it has not been vacant for a minimum of a year. However, the supporting statement submitted with this application indicates that the property has been marketed for 6 months with no retail interest, and that there have been four A1 uses in the past 6 years. Given the history of the site and that the D1 use proposed (dental surgery) will provide a health service for local people, it is considered that, in this particular case, use as a dental surgery would be appropriate for this part of Shoreham town centre, on balance there is no policy objection to the principle of change of use.'*

## **Representations**

None received.

## **Relevant Planning Policies and Guidance**

Adur Local Plan 2107 policies 1, 2, 11, 15, 27  
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**

The main considerations with this application are the acceptability of the loss of prime retail floorspace in the town centre weighed against the provision of a community use.

The site lies within Shoreham Town Centre in a primary retail frontage. It is designated block 2.

Adopted Adur Local Plan policy 11 states:

*'The role of Shoreham town centre as a shopping centre meeting day-to-day needs and providing a niche retail offer will be reinforced and enhanced. Any proposals for new retail floorspace will be directed to the Primary Shopping Area first. Development within the primary and secondary retail frontages of Shoreham town centre (as shown on the Policies Map) will need to be in accordance with the following:*

*Within the primary frontages of blocks 2, 3, 5 and 6 the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:-*

- *A1 (shops).*
- *A3 (food and drink) and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.*

*Any other uses will be resisted.'*

The existing unit is occupied as a gift shop. However, Darren Baker of Warwick Baker Estate Agent's has written confirming that the site has been occupied for retail purposes over the last 6 years by four different businesses. Each has struggled to be viable. The current occupier has served notice to quit and has indicated that business has become even more difficult to sustain since the post office closed. Warwick Baker has been marketing the site for at least the last six months with only one serious enquiry, the current applicant.

The proposed use is a D1 use, a community use, and a use identified in policy 11 as a suitable alternative use where retail is unviable. Whilst the site is currently occupied it will soon be vacant. Marketing for 6 months has failed to identify a potential future retail occupier and the applicant has indicated that leaving the premises empty for a year would not be in the best interests of the viability of other retailers in the area.

This is a difficult case as the proposal would be contrary to Policy 11 which only allows appropriate D1 uses when there has been a long term vacancy.

Nevertheless, since the adoption of the Plan the revised NPPF has been published which recognizes that diversification is key for the long term vitality and viability of town centres, to 'respond to rapid changes in the retail and leisure industries'. The NPPF now advises that planning policies should clarify 'the range of uses permitted in such locations as part of a positive strategy for the future of each centre'.

Given that the premises has been marketed for 6 months and there has been no retail interest and this is an appropriate D1 use, it is considered that an exception to the adopted policy can be justified (particularly in the light of new Government guidance).



A dental practice in this location would generate footfall which could also help support other local retailers. It would be important to maintain a shop front window display to avoid a 'dead' frontage and albeit a small unit there is scope for some ancillary retail sale of dental products.

Parking restrictions, double yellow lines, exist outside the shop. The site is otherwise in a highly sustainable location. It is not anticipated that this use will create any significant highway issues.

The new window and door are at the rear of the site and, therefore, uPVC will be acceptable in this location.

### **Recommendation**

To GRANT permission

1. Approved Plans
2. Development to commence within 3 years of permission being granted
3. Retain a window display at all times.



Application Number: AWDM/1321/18      Recommendation – APPROVE

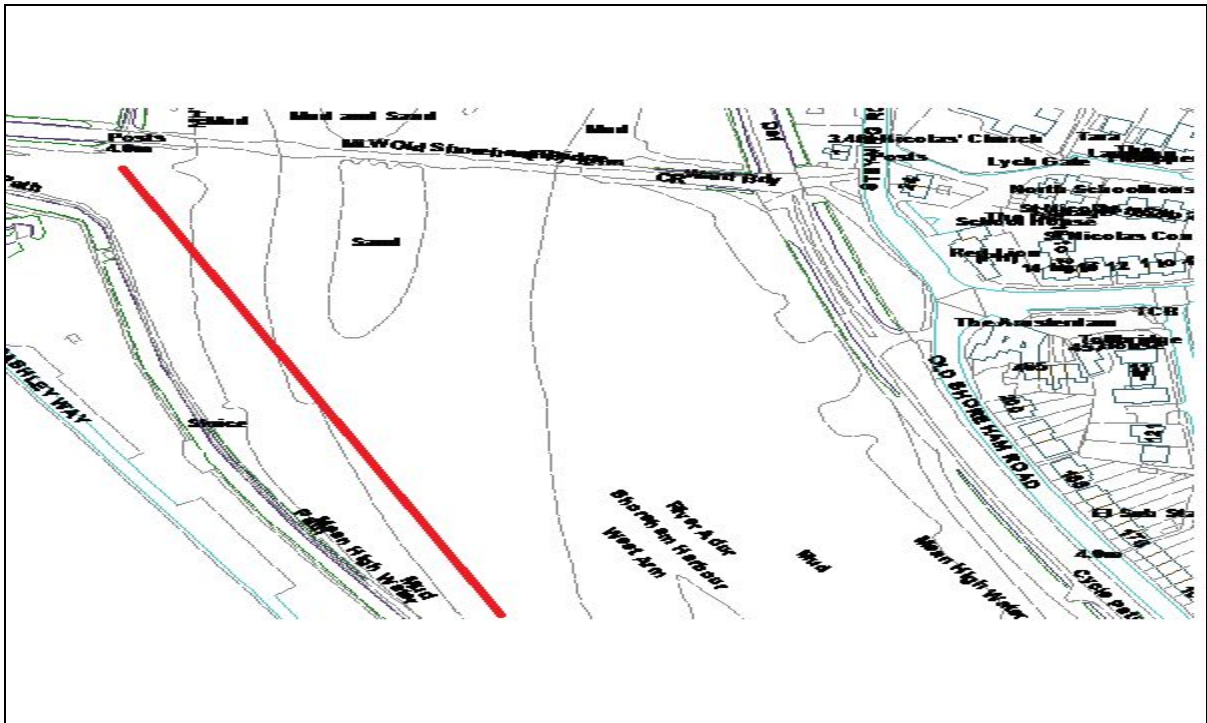
Site:      Adur Tidal Walls Scheme – Reach W7 (Riverbank to the west side of the Adur)

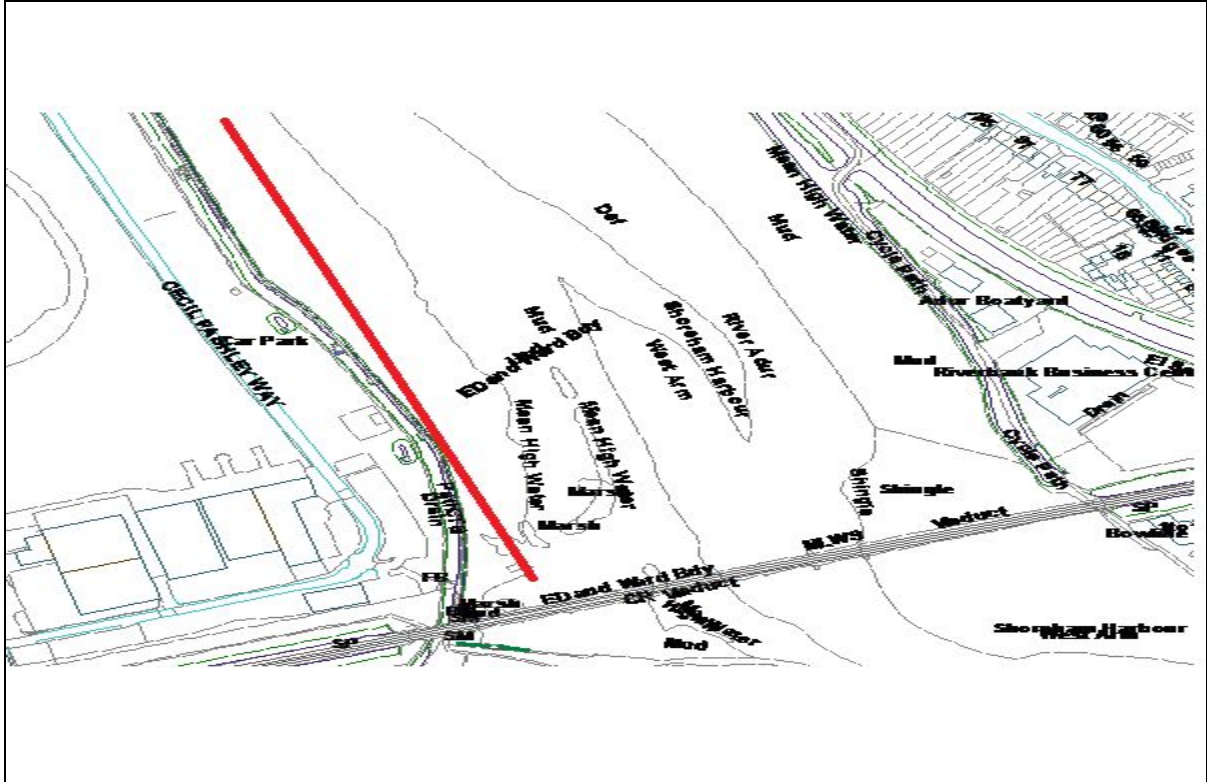
Proposal: Variation of condition 24 of AWDM/1614/15 relating to amended drawings for the design and construction of the Environment Agency's Shoreham Adur Tidal Walls Scheme at Riverbank Reach (Reach W7).

Applicant: Mr Graeme McClure,      Ward: Marine  
Environment Agency

Case Officer: Gary Peck

Reach W7 – Shoreham Airport (from north of the railway bridge to the Old Shoreham Footbridge): top – northern extent, bottom – southern extent





**Not to Scale**

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

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

This application seeks permission to vary the approved Tidal Walls scheme as it relates to reach W7 primarily by the removal of a ditch and other design alterations. The supporting statement submitted with the application outlines the works as:

*Prior to commencing construction in reach W7, the Environment Agency was required to enter into a legal agreement with the landlord of Brighton City Airport. As a statutory undertaker, the Environment Agency's typical powers to carry out flood defence works do not apply. As part of the negotiations for this legal agreement, constraints were agreed related to the impact of construction on the main Airport access road, Cecil Pashley Way, specifically in maintaining a free-flow of traffic without any form of part or full road closures. The consequence of these constraints were such that continuing with the original design with the ditch would have extended both programme and costs significantly, as works to the drainage infrastructure could not be carried out simultaneously with the new flood embankment. Therefore, an alternative design has been developed that delivers the same technical output within the agreed constraints.*

*The ditch approved under the original planning permission (AWDM/1614/15) starts at the airport car park at the southern end of the reach and extends north to*

*approximately the northern end of Cecil Pashley Way, adjacent to the river, where it ties in with the original alignment of the ditch.*

*The ditch approved under the original planning permission does not form a functional part of the flood defence and is therefore not required as a stability feature or otherwise. The approved ditch runs along the rear (landward side) of the proposed embankment. The ditch typically has a base width of 0.8m with a depth of 1m and terraced bank slopes to maximise the slope of the banks, owing to the constrained land area and the need for the ditch to provide compensatory habitat. The constrained nature of the site requires the embankment to be constructed close to the previously approved ditch. This proximity requires the removal of ground along the ditch and its replacement with a toe detail comprising fill to prevent localised slips of the embankment toe.*

*The previously approved design proposes the ditch to be culverted at four locations. Three locations (approximately 40m in length) provide passing places required for HGV's accessing the airport, with one incorporating a maintenance access to the EA sluice. The fourth location is a short section providing access at the airport pump station to the outfall.*

*It is proposed to remove the previously approved ditch from the design, with the exception of an approximate 10 metre section around the EA sluice structure. The removal of the previously approved ditch will result in the following:*

- removal of ditch and terraced bank formation works from the design;*
- it is no longer necessary to remove ground from the ditch and fill material for toe stability is no longer required.*
- removal of all culverts and headwalls beneath/surrounding passing places from the design;*
- reduced paving requirements for three of the four passing places – these were all required to be reinforced concrete slabs to span the culvert;*
- reduction in the number of verge marker posts owing to the reduced risk of vehicles entering the ditch; and*
- removal of the slab to span the ditch at the access steps for the pumping station.*

*A small width of granular fill will be retained within the scheme to act as a 'French drain' to help prevent ponding from road surface water, south of the EA sluice. A new length of culvert and swale will be installed north of the EA sluice to provide connectivity to the existing ditch alignment and help with surface water drainage.*

An Environmental Statement Addendum was produced in August 2018 to assess the latest design changes within reach W7 that are the subject of this current planning submission.

Reach W7 runs along the western side of the riverbank and stretches from Old Shoreham Road in the north to the Network Rail Bridge in the South (refer to drawing

IMSO000648-MMC-01-W7-DR-C-2730). The reach is to the east of Brighton City (formerly Shoreham) Airport.

The Old Toll Bridge on Old Shoreham Road to the north of the reach is Grade II\* Listed. It was originally constructed in 1781 and is now mostly restored (2008). Within reach W7, are a number of pillboxes. The west bank of the River Adur is known locally as Shoreham's pillbox way due to a series of pillboxes surviving from 1940-1. The historic landscape is characterised by open views across Shoreham airfield.

The Old Shoreham Conservation Area is opposite the northern end of the reach. This Conservation Area covers the area of Old Shoreham, known to have existed as a settlement from at least the Saxon period. The most important features are the riverside setting and the historic properties and streets surrounding St Nicholas Church.

The reach is adjacent to the Adur Estuary Site of Special Scientific Interest (SSSI), which is designated for its intertidal habitats such as saltmarsh and mudflat. Its importance for overwintering birds is also listed as a qualifying feature.

There is a public right of way (PRoW) which runs along the top of an existing embankment close to the western bank of the River Adur (West Sussex County Council reference 2048). The footpath is currently subject to a temporary six-month closure Order and an application has been made to Adur District Council for its permanent diversion.

### **Relevant Planning History**

The original Tidal Walls application was granted permission in 2016 (AWDM/1614/15) and has been in the process of implementation since. A number of amendment applications have been submitted since, some as non-material minor amendment applications and others, such as this, varying the originally approved plans. Minor alterations were last approved to this reach earlier this year under reference AWDM/0790/18.

### **Consultations**

**Technical Services:** I have no issues with these proposals. The old ditch line was never cleared by the airport tenant and from that point of view its removal is beneficial.

**Environmental Health:** No adverse comments

### **Representations**

None received

### **Relevant Planning Policies and Guidance**

Adur Local Plan 2017: Policies 1, 2, 5, 7, 13, 14, 17, 25, 30, 31, 34, 35, 36

National Planning Policy Framework (CLG 2018)

Planning Practice Guidance (CLG 2014)

The Adur Local Plan comprises the Development Plan here but the Government has accorded the National Planning Policy Framework (NPPF) considerable status as a material consideration which can outweigh the Development Plan's provisions where there are no relevant development plan policies or the policies which are most important for determining the application are out of date. In such circumstances paragraph 11 of the revised NPPF states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would demonstrably outweighs the benefits, when assessed against the policies of the NPPF taken as a whole.

### **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**

The main issue in the determination of the application is the effect of the amendments when compared to the previously permitted scheme.

At the time of the original application, it was intended that the works to this part of the scheme would be towards the end of the project and, as such, a number of the works shown on the plans were subject to future alterations. The ditch approved under the original planning permission (AWDM/1614/15) was to start at the airport car park at the southern end of the reach and extends north to approximately the northern end of Cecil Pashley Way, adjacent to the river, where it ties in with the original alignment of the ditch.

The key issue is that the ditch approved under the original application is not part of the flood defence by function, nor is it required as a stability feature and therefore the strategic requirements of the original tidal walls scheme are not affected. Equally, it is important to ensure that the effect of the works upon the Airport are minimised as far as is possible.

An addendum to the previously submitted Environmental Statement has also been submitted, which concludes:

*The ES addendum has not recognised any alterations of any significance in the environmental disciplines from the anticipated effects identified in the 2015 ES regarding the operation phase of Reach W7*

In conclusion, therefore it is not considered that the proposal has any material impact and accordingly it is recommended that permission is granted.

### **Recommendation**

**GRANT permission subject to the conditions imposed upon the previous applications updated to reflect the details submitted in the application:**

1. Development within 3 years
2. Submission of archaeological details
3. Protection of public sewers
4. Details of any contamination to be submitted to the LPA
5. Flood Risk Assessment
6. Piling details
7. Compensatory habitat
8. Development in accordance with Environmental Action Plan
9. Assessment of impact upon Bridge Inn
10. Habitat Protection
11. Agreed use of piling details
12. Landscaping details
13. Fencing details
14. Dust suppression
15. Materials in accordance with approved details
16. Details of works to Shoreham Fort car park
17. Working hours
18. Replacement lighting
19. Access routes to be agreed
20. Rights of Way alterations to be agreed
21. Pollution Management Plan
22. Details of any raising of A283 to be agreed prior to works
23. Construction Management Plan
24. Development in accordance with approved plans

### **Informatives / Notes to Applicant**

1. Network Rail consultation
2. Connection to public sewerage system
3. Water Resources Act
4. EA consent to river works



5. Footpath diversion closure
6. Footpath diversion
7. Section 59 of the Highways Act
8. Section 278 of the Highways Act



**Application Number: AWDM/1315/18**

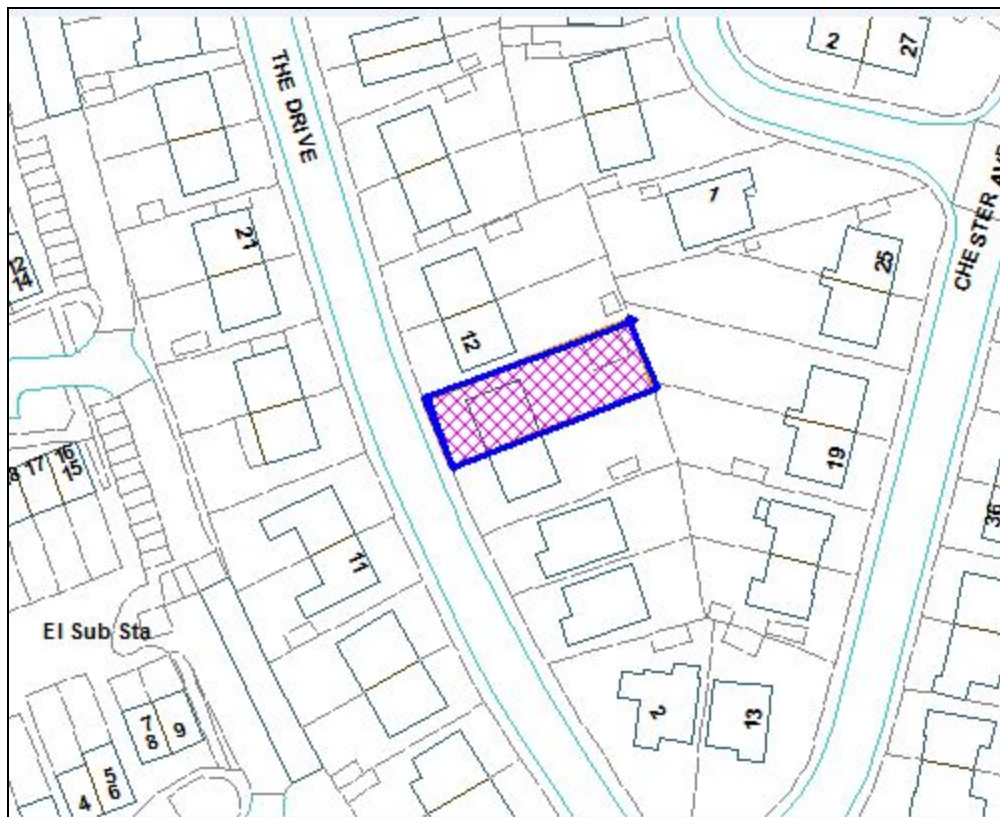
**Recommendation – APPROVE**

**Site: 10 The Drive, Lancing**

**Proposal: Hip to gable roof extension to North elevation; rear dormer with light oak cladding and 2no. Juliet balconies; and first floor side window in new gable**

**Applicant: Adur District Council  
Case: M. O’Keeffe  
Officer:**

**Ward: Churchill**



**Not to Scale**

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

Councillor Monk has called this application to Committee.

**Proposal, Site and Surroundings**

This application relates to a semi-detached bungalow on the east side of The Drive in a street of hipped roof bungalows. A number of roof alterations have taken place in the street including raised gables, front, side and rear dormers.

Planning permission is sought to extend this property into the loft by raising the side gable and adding a rear dormer. The rear dormer has been reduced in size since the application was first submitted. It now creates a single en-suite bedroom and includes two Juliet balconies. The dormer and gable are to be clad in grey coloured composite cedar effect cladding. The applicant intends to re-roof the bungalow in grey tiles. The bungalow is rendered and painted in light grey.

### **Relevant Planning History**

L/218/66 – Garage. Granted

### **Consultations**

**Lancing Parish Council:** No objection.

### **Representations**

Two representations received from No. 12 The Drive and from 21 Chester Avenue at the rear:

1. Dormer too large, looks like a house from the rear.
2. Loss of privacy from Juliets. Overlooking of conservatory and garden at No. 12.
3. Loss of privacy in bathroom and conservatory at 12 from gable window.
4. Loss of light in bathroom from gable.
5. Impact on our quality of life.
6. Juliet balconies not required in design. Oversized and would lead to more noise from the bedroom.
7. The dormers look straight into 23 and 25 too but they have not been notified.
8. Loss of value to our home.

### **Relevant Planning Policies and Guidance**

Adur Local Plan 2107 policies 1, 2,15 including 'Development Management Standard No. 2 Extensions and Alterations to Dwellings'.  
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**

The main considerations with this application are the design of the extension and its impact on neighbour amenity.

Hip to gable roof extensions have been carried out at Nos. 11 and 15 opposite the site and, therefore, are not uncharacteristic in the street. No. 13 also has a large side dormer.

The rear dormer has been reduced in size and now sits comfortably within the extended rear roofslope. The Juliet balconies are not characteristic but as they are on the rear elevation and not visible from the street they are not objectionable in design terms.

The gable and dormer are proposed to be clad in dark grey cedar effect cladding. The applicant intends also to reroof the property in grey tiles. This is not typical in the street but as this is not in a sensitive area, i.e. not a conservation area, it is considered to be acceptable.

The rear garden is 19 metres long. Significant overlooking of neighbours in Chester Avenue will not occur. There is a large rear dormer at No. 21 Chester Avenue. The roof extension now proposed is less than 4 cubic metres greater than the permitted development limitations of 50 cubic metres. Reducing the extension by 4 cubic metres, to within permitted development limits, would make no significant material difference to the impact of the roof extension on neighbours either side at 8 or 12. The Juliet balconies are prominent and the perception of overlooking will be greater as a result of them. However, actual overlooking will be no greater than if they were traditional windows.

No. 12 has a bathroom window in its flank wall. Light to this non-habitable room is less significant. Nonetheless there is a 4 metre gap between the two properties which will ensure light continues to be received to this bathroom. It is recommended that the gable window is obscurely glazed and non-opening below 1.7 metres.

## **Recommendation**

**GRANT permission** subject to the following conditions:

1. Approved Plans
2. Development to commence within 3 years of permission being granted
3. Gable window obscurely glazed and non-opening below 1.7 metres



Application Number: AWDM/1351/18

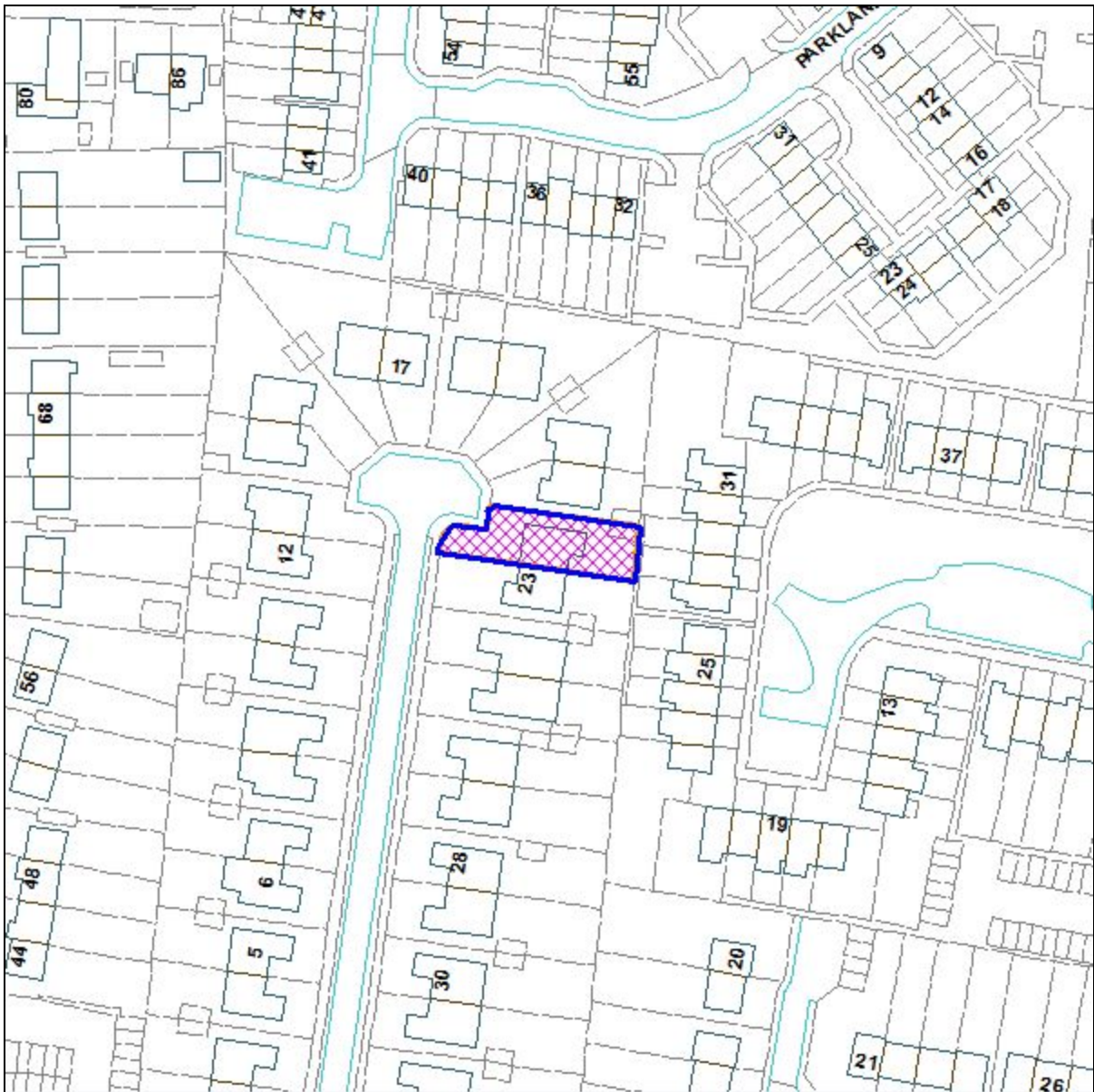
Recommendation – APPROVE

Site: 22 Southview Close, Shoreham-By-Sea, West Sussex

Proposal: Rooms in roof with hip to gable roof extension, front dormer to west elevation and rear dormer with Juliet balcony to east elevation.

Applicant: Mrs Shirley Brown  
Case: Hannah Barker  
Officer:

Ward: Southlands



Not to Scale

## **Proposal, Site and Surroundings**

The application relates to a semi-detached bungalow with rooms in the roof, there are existing velux windows to the rear roof slope and a conservatory to the rear. There is a flat roof garage set back to the side of the property. The bungalow is within a cul de sac where semi-detached bungalows were originally all of hipped roof design. Some of the bungalows have been altered with hip to gable extensions and flat roof dormers to the front and rear. Such development is visible within the close vicinity of the site.

Permission is sought for a loft conversion and extensions to include a flat roof dormer to the front and rear and full hip to gable extension. The rear dormer is to include a Juliet balcony. The development will provide a master bedroom, dressing room and bathroom.

A Committee decision is required here as the applicant is a Council employee.

## **Representations**

None received.

## **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**

The proposal comprises upgrading 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.



The front dormer and hip to gable extension are considered acceptable due to the context of the adjacent, directly surrounding street scene where there are examples of hip to gable extensions and front dormers. The dormer proposed here, like existing front dormers, is positioned centrally within the roof slope and does not over dominate the roof slope leaving much of the original roof still visible.

Initially concerns were expressed by the Case Officer as to the scale of the rear dormer, which as originally submitted showed a large scale addition covering the majority of the rear roof slope. The full height doors and Juliet balcony further contribute to this scale and dominance. It was requested that the dormer be reduced and the Juliet Balcony removed. The applicant's agent advised that he could agree some slight reduction and amended plans have been received which show a slight set in from the side gable. Although marginally this does improve the appearance of the rear dormer it is not of great significance overall. These amended plans are for consideration here.

The applicant's agent argues that a further reduction in scale and the removal of the Juliet balcony is not justified. There are other large scale rear dormers visible within close proximity of the site some visible within the street scene, (directly opposite). Also, taking into consideration the 'fall back' position ie. what could be achieved under permitted development, on balance, it is not considered that a refusal could be justified in this location.

With regards to residential amenity the front dormer will overlook the street scene and result in no greater loss of privacy than existing. There are windows to the side of the bungalow at first floor level which serve the proposed dressing room and bathroom. These are to be fitted with obscure glazing and be non-openable except where the finished floor level is 1.7 metres and above. A condition is attached to ensure that this is the case also restricting any further openings in this side elevation.

The rear dormer will face directly towards the dwelling house to the rear of the site, in Chiltern Close. There is an existing dormer to the rear of the application site overlooking the rear of no. 22. The proposed rear dormer will result in mutual overlooking between the properties at approximately 20 metres apart. Consideration is given here to this relationship and again looking at the 'fall back' position a rear dormer of any size would result in windows facing directly to the rear. It would not be justified, therefore, to require any rear windows to be obscurely glazed in this case. On balance and in the light of the above there would be no justification to insist that the rear dormer is reduced in size or to remove the Juliet balcony.

## **Recommendation**

**APPROVE**

**Subject to Conditions:-**

- 1 Standard 3 year time limit

2. Materials to match existing
3. The windows on the side elevation shall be fitted with obscure glazing only and be non-openable except above 1.7 metres no additional openings shall be inserted in the north side of the building.
4. Approved drawings.

Informatives:

1. Proactive with amendments

5<sup>th</sup> November 2018

**Local Government Act 1972**

**Background Papers:**

As referred to in individual application reports

**Contact Officers:**

Gary Peck  
Planning Services Manager (Development Management)  
Portland House  
01903 221406  
[gary.peck@adur-worthing.gov.uk](mailto:gary.peck@adur-worthing.gov.uk)

Peter Barnett  
Principal Planning Officer (Development Management)  
Portland House  
01903 221310  
[peter.barnett@adur-worthing.gov.uk](mailto:peter.barnett@adur-worthing.gov.uk)

Hannah Barker  
Senior Planning Officer (Development Management)  
Portland House  
01903 221475  
[hannah.barker@adur-worthing.gov.uk](mailto:hannah.barker@adur-worthing.gov.uk)

Marie O'Keeffe  
Senior Planning Officer (Development Management)  
Portland House  
01903 221425  
[marie.o'keefe@adur-worthing.gov.uk](mailto:marie.o'keefe@adur-worthing.gov.uk)

## **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.



# ADUR DISTRICT COUNCIL

**Adur Planning  
Committee  
5 November 2018  
Agenda Item No. 7**

**Ward: all outside of  
South Downs National Park**

## **Draft Supplementary Planning Document for Consultation: Demonstrating Genuine Redundancy of Employment Sites in Adur**

### **Report by the Director for the Economy**

#### **1.0 Summary**

1.1 A key aim of the adopted Adur Local Plan is to ensure that the local economy continues to grow. This requires a variety of good quality land and premises. One approach used by the Plan to address this is through the protection of existing business (B class) sites and premises. To this effect, a Supplementary Planning Document (SPD) has been produced to support Policy 25 of the Adur Local Plan. Members are asked to note this prior to publication for public consultation.

#### **2.0 The Issue**

2.1 A key aim of the adopted Adur Local Plan (2017) is to ensure that the local economy continues to grow. This requires a variety of good quality land and premises provided in the right place and supported with the right infrastructure. This is a significant challenge as land supply is heavily constrained and competition for available sites grows, particularly given the national drive to significantly increase housing delivery. The Plan aims to address this necessary economic growth through the allocation of new employment sites, and the protection of existing ones.

2.2 This SPD has been prepared to help applicants, and prospective applicants, to better understand the intentions of the policy; the steps they will need to go through, and the information they will need to supply to support any planning application which would result in loss of employment floorspace. It will also assist officers and Members by giving them a framework against which relevant applications can be assessed.

2.3 SPDs are defined in the National Planning Policy Framework 2018 as:

*“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”*

2.2 National planning legislation allows, in some circumstances, for the conversion of a B1 building to residential without the need for planning permission. Instead, a ‘prior approval’ system applies (see the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 for full details). In these circumstances, this SPD cannot be applied. However, in all cases *where planning permission is required* which would result in loss of employment space, the tests of Policy 25 and this Draft SPD will be applicable.

2.3 Policy 25 is set out in full in the Draft SPD (attached at appendix 1). It states that where planning permission is required, non B-class uses will not be permitted at Lancing Business Park, Shoreham Airport and Dolphin Road Industrial Estate, Shoreham-By-Sea. The second part of Policy 25 makes clear that outside of these three areas there will still be a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes (use class B1, B2 or B8).

2.4 Any proposed loss will need to be justified through a process which will seek to ensure that all reasonable steps have been taken to maintain a class B use. Where it is demonstrated that it is not viable to maintain the existing use then options for alternative employment uses will need to be explored before non-employment uses would be considered. This applies to all employment sites/premises regardless of size or condition.

2.5 The Council will assess all applications for the redevelopment of employment sites/premises on their individual merits (for the purpose of this policy employment uses are defined as B1, B2 and B8 of the Town and Country Planning Use Classes Order 2005). However, the Council’s starting point will be to retain all B class employment sites/premises that are considered suitable, in land use terms, for continued employment use.

2.6 It should be remembered that this policy approach was explored through the Local Plan examination process. The Inspector stated that: *“I conclude that the Council’s approach to planning for economic growth ... is justified and that the framework is in place to secure a strong and competitive economy.”* (Paragraph 56, Report on the Examination of the Adur Local Plan). This SPD sets out how the Council will deal with any application that proposes the loss of any site/ floorspace (through redevelopment and/or change of use) for employment and the assessment that will be undertaken. The guidance included in the SPD (and its appendices) sets out clearly the criteria that would be used to assess

relevant development proposals and lists the type of evidence that would be expected to support any relevant application.

- 2.7 It is worth noting that Worthing Borough Council have successfully used a similar SPD (Sustainable Economy SPD, adopted February 2012) which this draft SPD is modelled on. It is considered to have been a positive tool in protecting employment sites in the Borough, and has been endorsed by Inspectors following a number of appeals.

### **Information Required by the SPD**

- 2.8 The SPD clarifies what information will be required by the Council to demonstrate how the tests of the policy have been met, and how the 'sequential test' set out in the policy has been addressed.
- 2.9 It makes clear that it is important that all employment uses are considered for the site before planning applications are made for non-employment uses. Where a business is coming to the end of its economic life or has ceased trading altogether, the Council will expect the site to have been marketed for both its existing and other employment uses 'subject to the relevant planning permissions' in the first instance.
- 2.10 The applicant will be expected to have undertaken a marketing campaign to determine the demand for the site from business occupiers. Until this has been undertaken, change of use will not be considered. The SPD explains how marketing should be carried out to ensure the relevant matters are adequately addressed.
- 2.11 Applicants will be expected to clearly demonstrate why they consider that new employment development cannot be achieved on site for reasons of financial viability and past and projected market demand. The Council will give full consideration to the evidence submitted. Where a site's sole use for its existing employment purpose is no longer viable, and this has satisfactorily demonstrated in accordance with the criteria set out in this SPD, the Council will expect applicants to have explored the possibility of developing mixed use schemes.
- 2.12 If it has been demonstrated that full employment provision is not viable, the SPD explains that at this point a sequential approach should be taken as follows:
- Consideration should be given firstly to a mixed use scheme incorporating B class employment; but not residential use. These mixed uses may include, for example, leisure, retail or community uses (where no conflict would arise with employment uses).
  - If this is demonstrated to be unachievable/ unviable, a mixed use scheme including B class employment and residential may then be considered.
  - Finally, where the above options have been demonstrated to be unachievable, only then will the Council consider complete residential use of the site.

### **3.0 Consultation**

- 3.1 It is proposed that the Draft SPD is made available for consultation for a period of 6 weeks, commencing mid-November (dates to be confirmed). All those on the Adur Planning Policy consultation database (recently updated in accordance with General Data Protection Regulations) will be informed; the document will be made available on the Council's website, and the consultation will be publicised on social media.
- 3.2 Any necessary amendments will be made before the document returns to Committee for the adoption process.

### **4.0 Legal**

- 4.1 Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out statutory requirements for the preparation of SPDs, which includes the obligation to consult.

### **5.0 Financial Implications**

- 5.1 The SPD will be prepared within existing budget allowances.

### **6.0 Recommendation:**

- 6.1 That the Committee note the Draft SPD, and forward any comments to the Executive Member for Regeneration to consider prior to approving the document for consultation.**

### **Local Government Act 1972**

#### **Background Papers:**

Adur Local Plan 2017

Report on the Examination of the Adur Local Plan, 29 September 2017.

Sustainable Economy SPD, Worthing Borough Council, 2012.

Adur Employment Land Review 2014.

#### **Contact Officer:**

Moira Hayes

Adur Planning Policy Manager

Portland House

Tel: 01273-263247

email: [moira.hayes@adur-worthing.gov.uk](mailto:moira.hayes@adur-worthing.gov.uk)



## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Aligns with Platform 1: Our Financial Economy of Platforms For Our Places; in particular, the Adur Local Plan 'sets locations for growth and development'.

### **2.0 Specific Action Plans**

2.1 The Draft SPD also supports the Adur and Worthing Economic Strategy 2018-2023 - specifically the Power of Place.

### **3.0 Sustainability Issues**

3.1 Ensuring a range of job opportunities are available in the area, reduces the number of residents travelling elsewhere for work.

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified.

### **7.0 Reputation**

7.1 The Draft SPD, once adopted, will facilitate the Council in utilising Policy 25 of the Adur Local Plan, and therefore to safeguard a range of job opportunities in the Adur area.

### **8.0 Consultations**

8.1 This report seeks member endorsement of a proposed public consultation.

## **9.0 Risk Assessment**

9.1 By not having a SPD explaining how the relevant Local Plan policy operates, there may be a lack of understanding amongst potential developers/ landowners as to what information they will need to provide. The SPD will clarify requirements in advance of applications being submitted.

## **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.