

Minutes of a meeting of the
Adur Planning Committee
6 July 2020
at 7.00 pm

Councillor Carol Albury (Chair)

Councillor David Balfe
Councillor Kevin Boram
Councillor Stephen Chipp
Councillor Lee Cowen

Councillor Joss Loader
Councillor Paul Mansfield
Councillor Andy McGregor

Absent

Councillor Pat Beresford and Councillor Brian Coomber

ADC-PC/7/19-20 Substitute Members

Councillor Kevin Boram substituted for Councillor Pat Beresford.
Councillor Andy McGregor substituted for Councillor Brian Coomber.

ADC-PC/8/19-20 Declarations of Interest

Councillor Joss Loader declared an interest in Item 7, Shoreham Beach Neighbourhood Forum - Designation, as a member of Shoreham Beach Residents' Association and as a Forum member. The Councillor had elected to leave the meeting when the item was considered.

ADC-PC/9/19-20 Public Question Time

The Chairman announced that 3 questions had been submitted ahead of the meeting and that she would read them out on behalf of the members of the public who had chosen not to join the remote meeting.

Q1 - Mr Bill Freeman, a Lancing resident, had asked the following question:-

We are still awaiting the Southern Water proposals for upgrade of sewage infrastructure for the Shoreham area. Major developments are now coming forward within the JAAP and local plan – Old Civic Centre redevelopment, Mannings with increased dwellings, Free Wharf, Albion Street all creating substantial, additional foul waste output.

For Free Wharf in 2018 Southern Water confirmed that there was insufficient capacity in the system without causing issues for existing users.

How can we be sure that any Southern Water proposal will provide the additional capacity and foul waste treatment required for all those developments mentioned above and others known to be coming forward?

The Head of Planning and Development advised that in preparing the Local Plan the Council consulted with all statutory providers, developed an infrastructure delivery plan

and bodies, such as Southern Water, were made aware of developments coming forward in the Local Plan and the timescales involved.

On individual planning applications, the Council also sought Southern Water's reassurance whether there were any particular works that needed to be done and how we would condition particular developments. For Free Wharf and other developments the Council usually agreed with Southern Water a condition that required any improvements prior to connection, but there were also separate legal agreements between developers and Southern Water to connect to the foul sewage system and if there were any issues conditions were put in place to ensure no commencement of development until improvements undertaken.

Q2 - Geoff Hodgson, a member of AREA, had asked the following question:-

The Adur Housing Delivery Test states in point 2.4.4 that the provision of important infrastructure is important to support new development and continues to remain a key aspect of local plan preparation and progression. So why are there no concrete plans put forward in the recent major applications for increased health facilities, improving traffic, increasing the number of school places and including a nearby well equipped playground for children?

The Head of Planning and Development advised that in preparing the Local Plan the Council did a significant amount of work on assessing what infrastructure was necessary to support additional housing growth. He said the Infrastructure Delivery Plan ran through what improvements were necessary to support particular developments. Usually there was a need to collect a number of contributions from different developers to secure significant and sufficient funds to improve facilities e.g highways, medical facilities or open space improvements. As an example, for the Shoreham Harbour area, the Shoreham Transport Plan identified key junctions that would need improvements and similar work had been carried out in relation to the impact of New Monks Farm and Shoreham Airport developments. Once funds had been pooled the County Council would then be able to make improvements to key junctions.

In terms of health facilities, on individual applications, the Council consulted with the Clinical Commissioning Group (CCG) who seek contributions from various developments which they pool together to make improvements to local medical facilities. The Council had secured contributions for major developments, such as New Monks Farm, particularly in relation to the relocation of Ball Tree Surgery. The Officer advised that, as part of the Shoreham Harbour development, it had been necessary to replace and improve the facilities for the doctors surgeries operating out of the Pond Road site, a site owned by the County Council, and the County Council were working with the CCG to bring forward development of a new medical centre.

Q3 - Barb O'Kelly - a resident of Shoreham-by-Sea, had asked the following question:-

Government advice states that an Environmental Impact Assessment (EIA) is needed for major developments. From the information I have read, developments of over 150 units that impact significantly on the environment by virtue of factors such as nature, size and location require an EIA. What criteria does Adur council use in coming to a decision on whether an EIA is needed, by whom is the decision made and is the reasoning published?

The Head of Planning and Development advised that the Government sets out in the Environmental Impact Assessment regulations, the various thresholds of development that may trigger a requirement for an EIA. If a development exceeded a certain threshold the Council would judge what the likely impacts of the development would be and the extent of mitigation proposed and then decide whether those impacts were significant enough to require an EIA. As part of that process the Council would consult with key consultation bodies and a scoping opinion would be published. Even if the Council came to the conclusion that an EIA was not required, the validation requirements of applications would still require environmental impacts of the development to be assessed and appropriate mitigation measures put in place.

ADC-PC/10/19-20 Confirmation of Minutes

RESOLVED, that the minutes of the Planning Committee meeting held on 8 June 2020 be confirmed as a correct record and that they be signed by the Chairman.

A recorded vote was taken as follows:

For: Councillors Albury, Balfe, Boram, Chipp, Cowen, Loader, Mansfield and McGregor.

ADC-PC/11/19-20 Items Raised Under Urgency Provisions

There were no items raised under urgency provisions.

ADC-PC/12/19-20 Planning Applications

1

Application Number: AWDM/0204/20	
Site:	Kingston Wharf, Brighton Road, Shoreham-by-Sea
Proposal:	Mixed-use redevelopment comprised three blocks of residential dwellings (4 to 8 storeys) and mixed-use business centre (office, storage and cafe uses) - incorporating riverside walk, landscaping and ancillary car and cycle parking.

The Head of Planning and Development referred Members to the report, and the previous committee report, as an appendix, and advised the sole reason for deferral related to the design of the development. The report set out some of the discussions held with the applicants since the last Planning Committee meeting in June to address some of the concerns.

As the make-up of the Planning Committee was the same as the last meeting held in June, and the Members were familiar with the site, the Officer briefly outlined the proposal, showing various plans, photographs and CGIs.

Members were shown previous residential CGIs that were considered at the last Planning Committee meeting. The proposed brickwork had been light in colour, common to all the riverfront blocks, with a slightly different brick for the intervening 'ribbon' buildings along the A259. Members were shown views from the river, east and west

across the undeveloped Howard Kent site, a typical side elevation and cross sections of the blocks fronting onto the river.

The Committee Members were then shown a number of revised residential plans and the Officer summarised the design amendments for consideration. Amendments included breaking the parapet line on each of the blocks, creating a more wharf-like building, more visibility through the building by introducing steel columns on the corner of the buildings and the use of different coloured brickwork. The Officer advised that the precise brick colour and architectural detailing would be covered by condition and the subsequent application to discharge this condition could come back to Members for approval.

The Head of Planning and Development advised the Officer's recommendation had been revised as satisfactory additional and amended material referred to in the report had been received, as well as satisfactory comments of consultees from the Highway Authority and the CCG. However, ongoing discussions were still being held with Environmental Health regarding the hours of use of the business centre in relation to the adjoining residential building and this issue would be resolved during the delegation period. The Officer also advised that during the delegation period, there would be a need to negotiate the precise provisions of the legal agreement. With regard to the Heads of Terms, the Officer referred to page 75 of the previous report and indicated that the Highway Authority had required additional modelling to understand the impact on local junctions and had increased its request from approximately £750,000 to £903,500 towards offsite improvements of junctions and a contribution towards the proposed cycle path. Other matters included a request for £65k towards off site open space contributions and approx £88k for air quality mitigation (however, the amount would vary depending on the sustainability measures incorporated into the development to address this issue).

Finally, there was a request to be considered from the CCG of £236,000 towards improvement of medical facilities within the area. The Officer also advised that the applicant had committed to the contributions and to deliver the 30% affordable housing and to deliver a 100% affordable housing scheme post planning utilising Homes England Affordable Housing Grant.

The Committee Members raised a number of points for clarity on the presentation which were answered in turn by the Officer and in summary, included:-

- the criteria for an Environmental Impact Assessment;
- an update on a response from Southern Water;
- provision of pontoons and/or improved access to the water;
- conforming with the Joint Area Action Plan (JAAP);
- affordable housing mix/Homes England funding;
- design amendments to the development in response to the Design Panel: and,
- the inclusion of play areas on site.

There were six further representations from registered speakers, three in objection and three in support, and all had elected to join the meeting.

Some Members raised queries with two of the registered speakers in support of the application which were answered in turn.

The meeting was adjourned at 9.09 pm, and reconvened at 9.14 pm.

Some Members still raised concerns about the proposed brick colour and design details of the residential buildings however, the Officer agreed that the condition discharge for the detail could be referred to a future Planning Committee meeting for approval. There followed further discussion on the affordable housing aspect of the scheme, play areas on site, shared ownership and sustainability measures.

During Members' questions and debate, the Head of Planning and Development agreed to a number of further conditions as follows:-

- details of play areas to be submitted and approved;
- cycle provision to be reviewed during the delegation period (seeking to maximise cycle provision without compromising the number of car parking spaces); and,
- materials/brick colour to be amended to include other materials (balconies and metal work) and to return to a future Committee meeting for discharge.

Also, there were two additional matters to be covered by the Section 106, one relating to shared ownership, that it should be provided in accordance with best practice, and for the applicant to use best endeavours to work with the Port Authority to agree a scheme for the provision of pontoons and/or improved access to the water.

Following debate, a Member proposed to defer the application however, this was later withdrawn. There followed a proposal to approve the application, as recommended by Officers, subject to the conditions set out in the report; the additional conditions outlined above including the provision of play areas; the brick colour and details; cycle storage provision; and the additional matters to be included in the s106 agreement.

A vote was taken by roll call as follows:-

For: Cllrs Carol Albury, David Balfe, Kevin Boram & Andy McGregor

Against: Cllrs Stephen Chipp, Lee Cowen, Joss Loader & Paul Mansfield

Abstentions: 0

The Chairman used her casting vote to approve the application.

Decision

The Committee Members agreed to delegate to the Head of Planning and Development to **APPROVE**, subject to the receipt of satisfactory comments from Environmental Health and the completion of a Planning Obligation (Section 106) covering the matters set out in Table 2 and subject to the following conditions (and further conditions outlined):

** Asterisk denotes 'pre-commencement' conditions. Some matters such as the submission of materials, are to be settled 'before works above ground or slab level'*

General

1. Approved Plans including amendments to material detailing.
2. Time limit – 3 years.
3. Development phasing to be submitted, approved and implemented*.

4. Materials to be submitted and approved.
5. The submission and approval of plans for detailed elements at a scale of 1:20 plans to ensure high quality design.
6. Hard and soft landscaping and implementation, including biodiversity measures, seating and informal play.
7. Means of Enclosure gates or barriers to be submitted, approved and provided; Permitted Development restriction for the future, including balconies.

Use

8. B1 & B8 uses of building. No Permitted Development change. Further information also to be approved concerning management of these uses, sizes of spaces and facilities available to them and the way in which businesses would be supported.
9. A3/A4 use of café. No Permitted Development change
10. Hours of use

Highways & Access

11. Provide and retain accesses (including any stopping up), paths, parking, manoeuvring and servicing space including delineation car club spaces and electronic vehicle charging points (details of connection points and charge rating to be approved), with 100% cabling.
12. Engineering specification details for access and parking/manoeuvring areas to ensure robust design. Also details of interim arrangements at the access crossing points where the cycle-path will eventually cross them.
13. Any gate to the parking area to be positioned at least 6m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated. Details of any gate and entry control (if Used), to be approved.
14. Provide and retain secure cycle parking.
15. Travel Plans – to be submitted and agreed (implemented and monitored through s.106).
16. Level thresholds for wheelchair access.
17. Details of secure access provisions
18. Provide and retain refuse stores.
19. Fire safety: hydrant details and sprinkler systems to be approved and implemented.
20. Provide and maintain riverside maintenance access

Drainage

21. Drainage: details of and timing of provision to be approved in consultation with Southern Water*.

22. Drainage*:

i) Sustainable surface water drainage to be submitted approved including calculations – runoff including the 100 year event, plus climate change, not to exceed current values, details of measures to avoid pollution and details of management, to then be maintained.

ii) Verification report/details of implemented surface water drainage, pre-occupation.*

Remediation & Groundwater

23. Remediation scheme and verification*

24. Details of below ground and river-edge works to include protection of water quality*

Sustainability

25. Communal Heating – details and implementation and retention of plant rooms and infrastructure to allow subsequent connection to district heating system, also measures to protect basement plant from flooding*

26. Solar Panels – details and implementation; non-reflective so far as possible.

27. Building standards to include BREEAM Excellent for commercial development and incorporation of insulation and energy/water efficiency measures for residential development and verification. Air quality emissions from any energy generating plant be subject to low nitrogen dioxide emissions.

Amenity

28. Noise - Acoustic specifications, including acoustic glazing and means of ventilation.

29. Noise & Vibration – Specifications for plant, including lift mechanism and sub-station and acoustic insulation*.

30. Noise & odour - Details of future air moving plant to be approved, including any required for the cafe.

31. Lighting – Details to be approved for security and to minimise light pollution and verification of the light design once approved and installed

32. Provisions for communal aerial/antennae no other external aerials other than behind and not above parapet without further approval

33. Levels – further details to be approved e.g. of car parks and slabs, in accordance with levels shown. No subsequent increase in levels*.

34. Signage – no signage above ground floor level or forward of building façade without prior approval

35. Construction Environment Management Plan, including hours of construction work and minimising of pollution and nuisance. Identify schedule responsibilities and coverage under other legislation.

36. Employment & Skills Plan to be approved and implemented.

Table 2: Matters for s.106 Agreement.

No.	Matter	Note
1	Affordable Housing	30% provision with 75:25 social rented: intermediate tenures
2	Highway Provisions	<ul style="list-style-type: none"> i. Financial contribution i. Off-site works (Puffin crossing, roadside bay; widened footpath space to Brighton Road frontage to allow for subsequent cycle path i. Dedication of widened footpath space to Brighton Road as public highway γ. Provision of bus stop improvements γ. Obtain Traffic Road Orders (TROs) for works in the highway
3	Footpaths	<ul style="list-style-type: none"> i. Pathways agreement to provide uninterrupted public access at riverside footpath and paths connecting to Brighton Road. i. Provision to connect pathways to adjoining lands, including access for connection or regrading works to achieve this. i. Maintenance of pathways including provision and maintenance of a riverside bin
4	Maintenance Access	Access rights to Environment Agency and Public Bodies such as WSCC/ADC to allow for any maintenance or works at / to the riverside
5	Travel Plans	<ul style="list-style-type: none"> i. Appointment of Travel Plan co-ordinator to work in liaison with Highway Authority in implementation and monitoring of Travel Plans over five year period. i. Financial contribution to Highway Authority to cover work in liaison and monitoring
6	Car club	<ul style="list-style-type: none"> i. Provision of two car club cars (first one within one month of first occupation, second one at a later % of occupations) i. Subsequent maintenance of car club cars and car club parking spaces i. Provision of paid membership for all residents and staff at the site for at least [x] years including one-off £50 drive time payment each.
7	County Infrastructure (non-highway)	Financial contributions for: <ul style="list-style-type: none"> i. Education (primary) £124,115 i. Education (secondary) £133,582 i. Education (six form) £31,292 γ. Libraries £53,040

		<ul style="list-style-type: none"> 7. Fire and Rescue £4097 Sums to be reviewed and updated after 3 months of Committee resolution
8	Open Space	Financial contribution [£] for provision of public open space and recreation works, improvement or space within [] wards.
9	District Heating	Provisions for connection to Shoreham Harbour District Heating System.
10	Air Quality Mitigation	Financial contribution [£] for air quality mitigation measures and monitoring, within [] wards, or Air Quality Management Area or [metres] distance of site.
11	Employment Uses	<ul style="list-style-type: none"> 1. Marketing of any flexible space for B1 purposes for at least 12 months prior to use for B8 purposes. 2. Marketing requirements to be specified. 3. B8 use of flexible space not to preclude possible B1 use in the future.
12	Site Management	Management & Maintenance of: <ul style="list-style-type: none"> 1. flood escape plan distribution and updating of; 2. Parking Management Plan – incl. car and cycle parks & car club spaces; 3. on-site heating system and future district heating system elements on site; 4. surface water drainage – management & maintenance strategy 5. riverside path including surfacing, signage and refuse bin; 6. bin stores and bins; 7. planting and communal areas, including watering and pruning; 8. any noise attenuation measures.
13	Provision for Art	Commissioning and installation of art within the development, including financial provision for this.

ADC-PC/13/19-20 Shoreham Beach Neighbourhood Forum - Designation

Councillor Joss Loader left the remote meeting whilst this matter was considered.

The Head of Planning and Development outlined the report for Members.

Committee expressed concern that the matters raised during the Consultation suggested that the Forum had not been representing the views of the residents and there were concerns about the governance in place for the Forum. The Committee wished these views to be forwarded to the Joint Strategic Committee when deciding whether to redesignate the Shoreham Beach Neighbourhood Forum for a further 5 years.

Decision

The Committee Members would submit the above comments to the Joint Strategic Committee (JSC) when it considers the application to designate the Shoreham Beach Neighbourhood Forum.

ADC-PC/14/19-20 Interim Position Statements on Climate Change/Sustainability

Councillor Joss Loader returned to the remote meeting.

The Head of Planning and Development outlined the report for Members.

Members expressed the desire that the checklist should require more exacting environmental standards given the Council's declaration of a climate change emergency. Nevertheless, they accepted that the checklist was interim guidance and the Local Plan would have to assess the viability of requiring different environmental standards and this would be undertaken in connection with the Local Plan Review next year.

Decision

The Members of the Planning Committee would submit the above comments to the Executive Member for Regeneration before he is asked to approve the Adur Planning and Climate Change Checklist (June 2020) to be used as a material consideration when determining any relevant planning applications.

ADC-PC/15/19-20 Section 106 Monitoring Fee

The Head of Planning and Development outlined the report for Members.

Decision

The Committee Members supported the proposal to introduce S106 monitoring fees. Members asked the Head of Planning to review the salary figure used to calculate the proposed £300 trigger amount before asking the Executive Member for Regeneration to approve the introduction of a S106 monitoring fee for Adur District Council. The Committee endorsed a set fee per trigger approach, with the fee for each signed S106 agreement payable upon commencement of the development.

The meeting ended at 10.47 pm